

***United States Court of Appeals
for the Second Circuit***



EXHIBITS

75-7457

ORIGINAL

In The
United States Court of Appeals

For The Second Circuit

JAMES MORRISSEY,

Plaintiff-Appellant-Appellee,

vs.

NATIONAL MARITIME UNION OF AMERICA,

Defendant-Appellant-Appellee,

and

**JOSEPH CURRAN, SHANNON J. WALL and CHARLES
SNOW,**

Defendants-Appellants.

JOINT EXHIBIT VOLUME



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PLAINTIFF'S
EXHIBIT
U.S. DIST. COURT
S. D. OF N. Y.

Large Fraud in Election

Secretary Treasurer (according to the official count); Joseph Padilla, who drew more than 6,000 votes in his race for National Vice-President; Harry Alexander and Gaston Firmin-Guyon, who scored roughly one-third of the votes for the New Orleans and New York Port Agent posts, respectively; and Richard Hanke, a member denied his place on the ballot.

The rank-and-file are attacking the anti-democratic provisions of the Curran constitution, demanding—among other things—that elections be held for officers of patrolmen; that, with regard to all officers, rank-and-file members have a fair opportunity to nominate candidates and to be nominated; and that sea-gull members who cannot reach a U.S. port within the two-month elec-

tion period be given a fair chance to vote. And they are attacking a multitude of election violations, which include brazen electioneering on the part of Curran-appointed patrolmen, the refusal of the Curran administration to give members a fair notice of the election, failure to protect the ballots from tampering on the part of the officials, and the outright vote stealing which some seamen report took place in such ports as Baltimore, Panama City and Cristobal.

At the heart of the violations under attack is the failure of the Curran apparatus to provide reasonable safeguards to ensure a fair and honest election. The only port in which any outside supervision at all was present was the Port of New York, where the Honest Ballot Association watched

the balloting process—and in that port the anti-administration candidates scored roughly one-half the total vote. The lower opposition vote reported from the other ports reflects the fact that balloting in those other ports was not supervised by anybody at all—except by the Curran administration's representatives, many of whom were candidates for re-election themselves. Impressed by the disparity between New York and out-port vote totals, many members have urged that the entire NMU election process be supervised and administered by a respected election agency, like the American Arbitration Association.

The law provides that union members, having exhausted their 90-day inter appeal period, may complain of election viola-

tions to the Secretary of Labor and that the Secretary, upon finding the violations to have occurred, may bring a suit in federal court to set aside the election results and order the holding of a new election supervised by him, or by his representative. Where the complaint is based on the failure to hold an election—as in the case with the administration's failure to hold elections for the offices of patrolmen, and for the offices of field patrolmen for Yokohama and Panama—the Secretary may ask the court to order that an election be held, even where the union constitution fails to require one.

An earlier suit was brought by Secretaries of Labor Mitchell and Goldberg against the NMU in 1960 and 1961. Mitchell and Gold-

(Continued on Page 2)

THE CALL

FOR NMU DEMOCRACY

VOL. 1, No. 1

AUGUST, 1966

Warnings Against A Rigged Convention

Ships' Delegates Hold The Key To Restoring NMU Democracy

The time is fast approaching when ships will select their delegates for this fall's convention. If this year's convention is to follow the pattern of the recent previous ones the ships' delegates might just as well stay home.

An attempt will be made here to forewarn, not only those of you who may be elected as delegates to a convention for the first time, but also those of you who may have an honest representative from ships before.

To start with, there will be an advanced, organized technique to keep you from changing the constitution in any way other than that desired by the administration, and a definite design too, to thwart any instructions you may have received from the crew, you represent. All the amendments that changed the constitution in the past, and that transferred constitutional powers from the members to the officials, were, you may be sure, officially inspired— even though they used a rank and file steward's name as the sponsor.

You can write off all the delegates coming out of the ports. They figure to be hand-picked slaves of the administration, without the slightest interest in the rank and file's aspirations or wishes. They are concerned only in some kind of a pie-card job, and the way to get it is to work with the clique. As for officials that attend? Forget it! They are not interested in anything that does not fit into the plans of the National Office.

Organize To Fight

What to do about it? ORGANIZE!

Under these circumstances it is imperative that the ships' delegates recognize their common interests. It is important that they work together and that they view all others in attendance with grave doubt and concern. The

ships' delegates must familiarize themselves with each other so as to be mutually helpful.

It is an absolute necessity that this be done if you are not to be steamrollered by the shore-side administration forces. You can believe it, they will be in attendance as strongly as they have been in the past. Of course, some of the ships' delegates will fall into the bought-and-sold category too, but it will not be difficult to single them out and identify them. They will not have a single recommendation that will

change anything. Those that have instructions to bring substantial changes to the constitution (changes that would have the effect of restoring powers to the membership), those are the ones you must ally yourself with. This is one of the key actions the ships' delegates must take if this convention, like so many others in the recent past, is not going to be reduced to a mockery.

Tips On Traps

In pursuing the mechanics and the procedure of the convention (Continued on Page 2)

How Do They Figure It's An 'Overwhelming Vote'?

Following is a verbatim quote from page 6 of the July 1966 issue of the NMU PILOT.

"NMU members gave President Joseph Curran and his administration an overwhelming vote of confidence in the recent NMU General Elections." (emphasis supplied)

The fact of the matter is: there are 40,000 members in the NMU. If only 18,500 voted for Curran, one can find by simple arithmetic that 55% of the membership DID NOT vote for him. In the case of Curran's second in command—Secretary Treasurer Wall—73% of the NMU membership DID NOT vote for him.

In the case of the Administration State as a whole it averages out that 75% of the membership DID NOT VOTE FOR THE ADMINISTRATION AT ALL!

How does the Pilot justify its "overwhelming vote of confidence" with the facts?

If anyone got a vote of confidence from the NMU membership it was the small handful of opposition candidates who appeared on the ballot.

They managed, in spite of hav-

ing to buck a well oiled machine with tentacles reaching into every branch office in the United States, as well as abroad, to set over 1/3 of the national votes cast for the specific offices they ran for—and in the case of the opposition in New York—they managed to set 1/2 of the votes cast by the New York membership. (New York registered 9,473 voters—which is almost one half the entire national vote.)

We have no figures on the other ports so we don't know how the opposition outside New York fared in their own home ports—blame this on Abrams.

Everything considered, the opposition nation-wide made an excellent showing. One can easily deduce that the outcome of the election could have been if the cards had not been stacked in the Administration's favor, and the government or some agency other than the Honorable Guild Association, had conducted the election.

Incidentally, who knows how Richard "Dutch" Hanke would have made out if he had been allowed on the ballot? It may have been an entirely different horse race!

Why The Need For 'The Call'?

The National Office is guilty of gross misuses of power. It has engineered policies and programs that, in our opinion, do not conform to, or express, the will of the NMU membership.

For the past several years, NMU rank-and-file members have had no real opportunity to express their criticisms of official policies or of the officials themselves. The NMU Constitution (Article 8, Section 10 (f) (2)) guarantees us the right "to constructively criticize" the officers, the leadership, the policies and the programs of the NMU—but in fact and in practice we are denied that right.

The editorial board of the Pilot refuses to permit criticism of the officers or of National Office policies, despite the plain language of the Constitution, and subverts the function of the Pilot still more by using it as a self-serving propaganda mill to further its own vested interests and programs. (The National Office and the Pilot's editorial board are literally one and the same thing). Under these circumstances, the rank-and-file has no way of "constructively criticizing" the bureaucratic apparatus other than by establishing its own, rank-and-file paper.

That is what THE CALL is for. THE CALL will bring to the rank-and-file what the Pilot denies them: a forum at which any member can "sound off" and "speak out" on union affairs without fear of intimidation or reprisal.

Ideally THE CALL should be incorporated into the Pilot, so that issues of a controversial nature could be argued pro and con before the membership body. Only in this way can a meaningful choice be given to the membership. If the membership is to be given a choice at all, it must be a choice invested with content and meaning, and not merely a "choice" whereby "experts" manipulate the membership toward some predetermined conclusion by juggling the information and alternatives provided them. After all—is there any meaning to a union member voting against an unopposed candidate, resolution, or contract that he doesn't like? If he is not given an alternative he either "takes it" or leaves it. This is not our concept of trade union democracy.

THE CALL can be the instrument whereby alternatives will be not only permitted—but cultivated, encouraged, and brought to life.

YOUR PAPER... SUPPORT IT!

THE CALL is your paper. Use it to get all those gripes out of your system, and your complaints into print. If you write it, we'll print it. We cannot be compelled to expose our sources of information, so if you request your name be withheld, we'll comply.

We want your help. We need your support. If we are to get democracy in our union it must start from the inside, and grow.

Those who expect to reap the blessing of democracy must, like men, undergo the fatigue of supporting it.

It is not a field of a few acres of ground, but a cause, that we are defending, and whether we defeat the enemy in one battle, or by degrees, the consequences will be the same.

Support THE CALL, P.O. Box 3754, N.Y., N.Y. 10001.

Administration Makes 'Bad Men' of All Who Dare Oppose It

The National Office, it seems, has a double standard of morality. One standard applies to Administration supporters, the other to Administration opponents. Consider, for example, the experience of candidate Morrissey, who was so bold as to run for office as an opposition, reform candidate.

Back in 1938, when Morrissey was a youth and before he joined the N.M.U., the ship stepped out in 1941, got his book in 1941! Morrissey was involved in a silly offense—an attempted robbery with a toy pistol, and was sent to the Connecticut state reformatory. Since the matter took place before his N.M.U. membership (and since Morrissey has obtained an unconditional pardon) it did not and could not affect his eligibility for office in the N.M.U. When Morrissey was a (successful) candidate for the office of Patrolman in 1950 and again in 1952 on the Administration slate, the National Office found nothing wrong with him or his record. But this year he blossomed out as a hard-hitting, anti-Administration battler for democratic unionism and, to frighten the Administration still more, he distributed a fact-sheet entitled "Falsing The True Word," that hit the Administration

in some tender places.

And, lo, the National Office exploded. They arranged a phony hearing, at which they piously "permitted" Morrissey to be a candidate. (They could hardly not permit him, since he met all the eligibility requirements.) But in doing so, they injected into their minutes a hypocritical outrage at the 1938 offense and an insinuation (unsupported) accusing Morrissey of submitting "false information as to his qualifications to run for office." A few days later their purposes became clear: A leaflet extracting that particular section from the minutes appeared on ship bulletin boards, obviously posted by Administration stooges. And not much later, the same extract from the minutes was published in the Pilot.

The moral is not hard to find. If you're an Administration supporter, and stay "in line," it does not matter what foolish offense you may have committed in your youth. But if you're bold enough to stand up for the rank-and-file, and for union democracy, then even the oldest peccadillo in your past will be played up to defeat you. Isn't it strange that there are still men around—even some with some vulnerable event in their past—who aren't afraid to stand up for the rights of the rank-and-file?

You Must Demand That 'Pilot' Publish 'Shipping List'

The new Pilot recently discontinued printing a breakdown of the ports registration and shipping figures.

The National Office, which is the Editorial Board of the Pilot, arbitrarily and unconstitutionally (because they did not get the approval of the membership) discontinued a policy which had been an institution in the Pilot for over a quarter of a century.

The Pilot "shipping list" as it used to be referred to by the rank-and-file, was one of the first things a member would look for when the Pilot "came out." He would "see how shipping is." Over the past few years he would also look carefully at the number of group 2's, 3's and 4's that were being shipped around the country because in this he had a vital interest. The shipping list was important to him not only because it made him feel he was a part of the picture it conveyed, but also because it was informative.

Maybe the National Office thought it was too informative, we don't know. In any event, demand that it be returned to the Pilot where it belongs!

THE CALL

Published by the Committee
For NMU Democracy
G.P.O. Box 2754
New York, N.Y. 10001
James M. Morrissey, Editor

COMMENT...

By James Morrissey

Our union, which for thirty years has been a union of American seamen, all considered equal, has been transformed by National Office decree into a two-class union.

Recently the National Office appointed Rene Loezanje Regional Director (?) of the Panama area. His job was to organize the unorganized, and also to reorganize the organized but small, weak, foreign unions that existed there already. And he did a good job. He managed to organize almost 3,000 men of different and varying occupations (none of whom are seamen) into one common, united group.

The original plan was to bring this newly formed group into the family of N.M.U. as an affiliate, just as we have done with the B.M.C. Local 333, etc. That idea is a good one and I approve of and endorse such a program. These people should be organized. For their protection, into an autonomous union with all the rights, benefits and privileges afforded any American union. They should elect their own officials and decide their own destinies. They should, from within their own ranks, elect from among their own ranks people whom they know, work with, respect and live with to represent them. They should be represented by people who know their problems from experience. In no event, however, should they be represented by absentee landlords who know nothing really about their problems, and care even less.

Unlabeled Motives

However, the National Office had a different idea. The National Office saw where it could use this group for bloc voting in order to swing the outcome of an election or referendum in the event it had to steamroll "membership approval" through a reluctant electorate. So it (the National Office), without consulting the membership, took this group into N.M.U. proper, gave them full N.M.U. books and all the voting rights of full-book N.M.U. members—but denied them their own union self-government!

The N.M.U. should aid and support these good unionists in every way. We owe them not only our moral support, but our financial, professional and legal support as well. Above all we should give them their own autonomy and self-government. With their own democratic union—in fraternal association with the N.M.U. proper—it shouldn't be long before they bring their present contract (which is, as yet, rather poor by American standards) up to the

plate and glamour. This is all part of the show. When you have been finally spent and shredded by being passed through this emotional meat-grinder type of experience, he will try his "oops do grace."

He will, as the constitution (recently altered) allows him to do; submit to you a list of committees (appointed by him) for your approval. BROTHERS—IF YOU ACCEPT THIS LIST, YOU ARE DEAD! DEAD! DEAD!

If you accept this list, the convention at that point is in N.M.U. hands, wrapped up and tightly sealed. If you accept this list you might just as well as home there and there because you will have lost every safeguard and control to the Administration's people—you will go home (if you're a sincere delegate) in a blind helpless rage at the way they so deviously tricked you into their trap.

TO BE FOREWARNED IS TO BE FOREARMED.

And brothers, you have been warned!

level of good unionism. But only they can do this: no absentee landlords can ever do the job for them.

Autonomy Denied

But the National Office seems determined to keep them as a lower class within N.M.U. proper, to deny them their own, autonomous union and to use them, instead, as a captive voting bloc with which the National Office can dominate N.M.U.'s internal affairs. Their idea is to use the votes of Panamanian canal workers to flood the elections for such offices as New York and Houston port agents—and for such questions as whether ocean-going seamen should have to pay another dues increase.

These brothers are canal and railroad workers; they are Panamanian nationals with industrial problems vastly different from those of ocean-going U.S. seamen. The N.M.U. constitution bars them (as non-citizens) from ever aspiring to office in N.M.U. proper and they are barred by U.S. law from sailing on U.S. flag ships. Within N.M.U. proper, they are doomed to second-class status. Their dues (set at only \$3.00 a month) reflects that fact. Nor have they ever paid the standard initiation fees. But the National Office proposes to keep them in second-class status within N.M.U. (and thus deny them local union autonomy) in order to use them as cannon fodder with which to fight the National Office's own, intra-union wars against the sea-going membership.

No union has a right to bring members into its organization, if those members, under its constitution, are, to be permanently barred from ever being nominated, or elected to office. It would seem this is a violation of federal law.

In the recent election of officers the Panamanian unit registered 2,516 members eligible to vote. Aside from New York, no other port came even close to this number. The next highest port was New Orleans with 1,748, followed by Port Arthur with almost 700 registrants less than New Orleans. Yet the port of Panama, which will be the branch of the union second to New York in voting strength, (by National Office edict) was not put on the ballot by them in the recent election as an office to be held by either an Agent or P.M. Patrolman!

Unconstitutional

The National Office feels free to appoint its own man to this area even though the constitution states under Article 11, Section 2, subsection (1) that an agent shall be assigned to each branch, and section 3 of the same Article 11 states he must be elected. (It would seem this too is a violation of federal law.)

To prove to yourselves that the National Office knows what it is doing in this completely arbitrary and dictatorial act, look on page 17 of the July, 1968 issue of the N.M.U. Pilot (the National Office is the editorial board of the Pilot) and you will discover that it (the National Office) has given to Panama equal convention representation with New Orleans, and has given it two to four times the representation of any other port in the union outside of New York.

If this "tail wagging the dog" situation is allowed to continue and we do not get an immediate explanation and remedy from the National Office, I suggest that the convention delegates bring the officials responsible for this gross malfeasance on charges under Article 21, Section 2, Subsection 23 of the N.M.U. Constitution.

Ships' Delegates Hold Key to Democracy

(Continued from Page 1)

their, let me point out some of the traps laid by the administration for the unwary, honest delegate arriving in town for the proceedings.

The first thing an administration representative does is to sound him out. When he shows no sympathy for the status quo he is immediately classified as uncooperative. He (the unwary delegate) presents his credentials to them and is told that the convention will convene at 10 A.M. on the day so fixed. However, at 9 A.M. (or the day before) those who have been found "reliable" by the administration meet, unknown to the others. When the honorable ship delegates meet at 10 A.M. they are led to believe that this is the first convening. What follows thereafter is the chairman submitting a list of names picked at random. "I he says, to head up and comprise the various committees. It is submitted, he states, for their approval. He "wants to save time" is the reason he gives the innocent delegates.

What has happened, of course, is that at 9:00 A.M., one hour before the official convening of the convention, his group had met and had picked their committees and chairmen. It is an old trick Curran learned was back in the hack days. It is called a plenary session (of his people). It is just a polite term for running meetings, conventions, elections or what have you. The unwary delegate falls into the trap laid by the administration, not realizing that no proposal can ever reach the floor for discussion, much less action, unless it is approved and cleared by the committees he had been suckered into accepting.

Vote For Committees

The remedy, or at least one of them, to effect such an action, is not to accept any committee submitted to you, but to insist on voting for all committees off the

floor after the roll call has been made.

Above all, do not accept anyone to a committee who is recommended by an official, or by anyone recognized as an administration stooge.

If the chairman insists that such a procedure would be a waste of valuable time and money, the logical reply would be that this money is yours, and if the chairman wants to save time he could save even more time by cancelling out the convention itself. It should be stated emphatically by the ships' delegates that their function at the convention is not to only save time and money, but to do the job they were sent to do by the crews they represent. It should also be pointed out to the chairman that a union that manages to give away so much money for so many and varied reasons should not be asked to curtail its own interests in the name of economy.

Delegates All Powerful

Now, with further respect to the conduct of the convention. The convention itself is all-powerful. The delegates are not bound by any format, despite any procedures that were followed in the past. They can, if they wish, adopt an agenda that goes away entirely with any committees at all. The body can also adopt an agenda that would allow every ship's delegate's proposals to be heard first, and that action be taken on those proposals, before any shore-side or official's proposals are submitted to the body.

You should know too, that no delegate has to accept any decision made by the chairman. If you do not like his decision, you can appeal it to the floor. Even if the chairman rules a delegate out of order and tells him to "sit down!" he, or another delegate, can get up and appeal that decision to the floor. If you continue to find a chairman uncooperative, you can, by vote, remove him from his chair and vote in another chairman (who will be cooperative) from the floor.

We can take this convention if we get sufficiently informed delegates from the ships to attend. In the last convention there were 476 delegates seated. If the convention in October equals or tops the last one in representation, it will mean the great majority of delegates to the coming convention will be seated from ships.

The administration forces at the coming convention will consist of only fifty-five (55) delegates from the ports—plus the eight (8) from the National Office—a total of sixty-three hard core, down the line elite guards of the Palace. Of course, hovering around them will be a small select arm of well trained (non-voting) professionals such as lawyers, publicity directors, propaganda dispensers, reporters, camera men (with bulbs flashing and popping) and who knows what else? Maybe this time they'll have Meyer Davis' band off the "Big U" to fill the air with heart throbbing martial airs to put you in a patriotic and loyal mood.

In any event, when the King enters there will be a fanfare of trumpets, and a crescendo of huzzas from the mob referred to above. You might even momentarily get caught up in it, because such blind, devoted loyalty is soul-stirring.

When the King sees that the waves of applause have sufficiently numbed the senses of his captive audience, and before it becomes too embarrassing, he will start to "calm" the frenzied mob by raising his arms and smiling broadly; all the while stirring to the assembly in a beret-dotted manner, until the frenzy of the mob has subsided. He will then have everyone stand and sing the "Star Spangled Banner;" after which a clergyman will invoke the blessings of God on the entire body. (This is the one part we will really have need for.)

He may at this point introduce numerous celebrities to are and dazzle you with their impos-

73/E

Membership Losing Voice In Elections

Every year N.M.U.'s elections get less and less democratic. This year, for the first since the founding of our union, we have been denied the right to elect patrolmen, the officials who represent us directly. Instead, in a plebiscitary fashion, we were called upon to elect, nationwide, a president, who in his honest or otherwise judgment, then appoints the patrolmen.

Also for the first time since the founding of our union, we were denied, this year, a port-by-port count of the ballots. In every election and referendum held by the N.M.U. up till now the ballots cast in each port have been separately tabulated, to provide a safeguard against vote-rigging in any one port. (For the same reason, federal law requires that in any international union election, votes must be separately tabulated—and published—local by local.) The necessity for such protection has been made clear time after time, most noticeably in the last dues-referendum, when the official returns from Baltimore showed a supposed vote of more than eleven hundred votes cast for the dues increase and only one vote against. This, when the national referendum on the dues increase was carried by only a three to two margin, and the total vote for, was only about 6,000.

Obviously, a port-by-port tabulation of ballots would have given us at least a third-alarm in the event of large-scale vote rigging in any particular port. That is why, in all previous elections, we have always insisted upon a port-by-port tabulation. In the 1966 elections, the opposition candidates, headed by Secretary-Treasurer candidate Jim Morrissey, demanded such port-by-port breakdowns and were assured by the N.M.U.'s factotum, George Abrams, that they would get it. But when it came time to count the ballots, Abrams reversed himself. He allowed separate tabulations only for three ports: New York, Panama and Yokohama. (The Panama and Yokohama ballots were segregated because brother Morrissey raised valid constitutional questions about them.) The New York ballots were segregated because Morrissey had raised legal questions on violations of postal regulations. The U.S. Postal authorities agreed with Morrissey and insisted on the segregation of the New York ballots. The postal inspectors also removed the "mail box" that Abrams instructed all voters in New York to use. He even threatened to void the ballots of anyone who did not use it.)

However, the ballots from all the other twenty-eight ports were thrown into a heap; and thus the members, and candidates, were denied any chance to check on massive vote-rigging in any of them.

But even the separation of three ports from the common heap was enough to indicate at least the possibility of substantial electoral fraud. The ballots coming in from Panama were so crudely rigged that even the N.M.U.'s own ballot counters were shocked to see ballot after ballot obviously marked by the same person, showing a consistent slide vote for the administration effort. "My God," said one of the N.M.U. ballot counters aloud as she saw the Panama ballots, "these people must have been brainwashed." The girl sitting next to her called to Morrissey to come over and showed the ballots to him, which, from the manner in which they had been marked, had clearly been marked.

(Continued on Page 4)

Let's Re-Democratize NMU Constitution!

Over the past 15 years, the Curran apparatus has re-wended our constitution totally out of shape. From a democratic set of rules for union self-government, they have changed the constitution into a formula for bureaucratic dictatorship. Our job is to undo the worst of those changes, to restore democracy in NMU by re-democratizing its constitution. Here are some of the most important democratizing amendments that we need to adopt.

1. **ELECTION OF PATROLMEN.** Amend Article XI, Section 2 sub. sec. 3 to provide that patrolmen, like other officers, be elected by the membership instead of appointed by the President.

2. **TWO YEAR TERMS OF OFFICE: BIENNIAL CONVENTIONS.** Amend Article XI, Section 3 and Article 4, Section 1, to provide that officers be elected every two years, for two year terms, and that conventions be held every other (non-election) year—as was the case before 1940.

3. **MEMBERSHIP APPROVAL:** Restore the power of the membership, by referendum, to approve or reject the officers' decisions. The key section here is Article IV, Section 2(a), which, before it was Curranized, called for secret-ballot referendum of the members before any major change in policies, programs, and procedures of the Union could be made; now it calls for nothing more than a non-secret, hand-vote approval at port meetings. Let's amend that section to restore the power of the membership through secret-ballot referendum. And, at the same time, bring specific powers of the officers (such as determining their own salaries, expenses, vacations, etc.) under control by inserting the phrase, "subject to membership approval" in Article VII, Sections 10, 17, and 18; and Article VIII, Section 13; Article XIV, Section 2, 3, 4, 5, 6, 7 and 8.

4. **FOR DEMOCRATIC CONVENTIONS.** Under our Constitution, as it stands the Convention is the only remaining bastion of membership democracy—but even that bastion has been Curranized by a curious and rarely used (except at convention time) provision, which allows the President to appoint convention committees under Article VI, Section 8. The result is that the convention is virtually the president's captive—it is all but barred from doing anything that the president (and his appointed committees) doesn't want it to do. One of the most important democratizing amendments for us to make is the repeal of those provisions.

5. **SUBJECT CONVENTION DECISIONS TO MEMBERSHIP RATIFICATION.** In former days, our constitution vested all power in the membership, making even convention decisions subject to ratification by membership referendum. It was a good requirement, guaranteeing ultimate rank-and-file control. Curran abolished it; let's restore it. Amend Article IV, Section 1 to include the convention along with the National Council and National Office; and amend Article V, Section 2, and Article VI, Section 4(f), to make convention resolutions subject to membership approval by referendum.

6. **OFFICERS' SALARIES AND EXPENSES.** One of Curran's tell-tale tricks has been to eliminate from the constitution all specifications as to officers' salaries and expenses, leaving the officers themselves, in virtual secrecy from the members, to set whatever salaries and expenses they choose. Let's return to our former practice of specifying salaries and expenses—and let's specify them (in Article XIV, Sections 1 and 2) at the salary rates which the officer enjoyed the last time the rank-and-file got a wage increase: President, \$500 per week; Secretary-Treasurer, \$300 per week; Vice Presidents, \$250 per week; National Directors, \$225; Port Agents, \$200; Field Patrolmen, \$175; Patrolmen, \$150. Even these salaries (especially these for top officers) are way and above what they should be—but they represent a substantial reduction from what the officers are paying themselves right now. Let's start by making that reduction—and then consider

counseling the officers' salaries with what rank-and-file members on the ships make.

As for expenses (Article XIV, Section 3), officers should be limited to the expenses actually incurred, not to exceed \$25.00 per day, in addition to necessary transportation, to be determined subject to rules to be formulated by the National Council and approved by membership referendum. We might thereby stop—or at least slow down—the officers from padding their expense accounts to astronomical heights.

7. **FAIRLY SUPERVISED ELECTIONS.** The scandals that recur every election year—including this one—can best be attacked by providing that NMU elections in each port (and not only in the Port of New York) shall be conducted by an outside agency. Since the antics of the Honest Ballot Association have brought so many membership suspicions upon it, it seems likewise urgent to replace it with the American Arbitration Association (or AAA), an old, respected and established organization which conducts elections for many unions, including the Masters, Mates and Pilots. Amend Article XII Sections 1 and 2, to provide for elections to be conducted by AAA in each port, and in all sections of Article XII replace the initials "HBA" by "AAA."

8. **The Curranized version of Article XXVI ("Amendments and Referendums") makes it all but impossible for ordinary members, outside a convention, to initiate action. THE CALL proposes that Article XXVI be amended to read as it did in the 1945 NMU Constitution, namely, as follows:**

Section 1—Constitutional Amendments: This Constitution may be amended as follows: Any proposed amendment to this Constitution may be submitted by any member at any regular membership meeting in any Branch. If accepted by a majority vote of the membership meeting, the Agent or officer in charge of the Branch must spread the resolution in full in the official minutes of the meeting, and the vote taken thereon. A copy of the official minutes shall be forwarded to the National Secretary.

Section 2—The National Secretary shall include the proposed Amendment on his agenda for the next regular or special meeting of the National Council. The amendment, with any comment that the National Council shall decide upon, shall be submitted for adoption or rejection by a referendum vote. If adopted, it shall be considered incorporated as part of the Constitution.

Section 3—This Constitution may be amended by a two-thirds vote of the delegates convened in any National Convention, provided that any amendment proposed by a Convention must be ratified by a referendum vote.

Section 4—Policy and Program: Any member in good standing may submit a resolution at any regular membership meeting in any Branch calling for a referendum vote on the question of changing an established policy or program of the Union, or instituting new policy or program.

If accepted by a majority vote of the membership meeting, the Agent or officer in charge of the Branch must spread the resolution in full in the official minutes of the meeting, and the vote taken thereon. A copy of the official minutes shall be forwarded to the National Secretary.

The National Office shall then send the resolution upon which a referendum is proposed, with any comments that the National Office may care to make, to all Branches within a period of two (2) weeks.

If a majority of the membership at any of the Branch meetings in all Ports adopts the proposal for a referendum vote, the National Office shall meet within forty-eight (48) hours and prepare the machinery for a referendum vote which shall be begun within two (2) weeks.

5 Charge Election Fraud

(Continued from Page 1)

bers charged electioneering in the Pilot and at polling places; they alleged an infringement of secrecy in balloting they alleged that patrolmen had engaged in electioneering aboard ships, and they alleged that the Curran administration had discriminated against anti-administration candidates in the handling of ballot numbers. To settle the case, the NMU representative, by a stipulation filed in federal court, solemnly promised that future elections for NMU officers "including the nomination, balloting, and counting procedures," would be conducted in accordance with federal law and specifically promised to refrain from certain unfair practices, among them electioneering at polling places.

But the Curran administration has callously broken those promises, according to the five rank-and-fileers. And what is more, the administration promptly went ahead and amended the constitution to deprive members of nomination rights guaranteed them by law. Among these anti-democratic amendments were the ones which make it virtually impos-

sible for most rank-and-file members to nominate candidates or be candidates for office and which make the offices of patrolmen unobtainable instead of elective. At the very least, the five protesting rank-and-fileers hope to abolish those anti-democratic restrictions.

Before going to the Secretary, the members are required to exhaust appeals within the union. They are doing that; they have already been put through a "hearing" by three NMU officials and three representatives of the Honest Ballot Association (the Pilot refers to these last three as "independent lawyers.") And already they have received what they expected: namely, a hypocritical rejection of their appeal. They are now required to take the same pointless appeal to the National Office, where they will, of course, receive the same rejection. But by the end of August they will have completed their 90-day "confine off" and will be free to file their formal protest with the Secretary of Labor.

The Secretary will then investigate their charges of electioneering and vote-stealing. Any information turned up, including names and addresses of members, will remain confidential. NMU members who know of specific violations—such as the tearing down of anti-administration campaign material by a patrolman, or the casting of members' ballots by officials—should send information, possible, to THE CALL.

Officials' Salaries NMU Publicity Rise While High Deludes Members Prices Eat Ours

It has become clear to very many, that the spiral upward of prices has made a travesty of the long-term contract the administration has tied us to. You will note that they were not so bound themselves. It should also be clear by now that there will be no relief from this situation unless the ship's convention delegates are instrumental in creating the pressure necessary to remedy this inequity.

You could, merely by expressing, and then exerting, your collective democratic rights roll back the salaries of all officials to what they were at the time of our last wage increase. (The convention has the power to do this). You could, at the same time, in order to be fair, enter into a stipulation whereby officials' future salaries would be increased by whatever percentage the members' wages are increased, through negotiation with the steamship operators.

This arrangement would have pleasing both sides. On the one hand the officials would not be so anxious to bind us to long-term contracts at onerous wages, which would phase us out; and on the other hand we would be only too glad to see them get salary increases, which would please them because that would mean we would get more money too.

Edmond Burke, over two hundred years ago stated: "People never give up their liberties but under some delusion."

The NMU membership has been under a delusion for too long. We have been brainwashed by a \$25,000 a year (plus) publicity director, who has projected the image of the National Office as being generous and pure, when in reality it is greedy and tainted. It is pure on the surface only, because of the whitewash job he (as Pilot Editor) and the National Office (as his employer) have done so well. They have managed through slick propaganda, well financed public relations extravaganzas "generous" gifts of thousands of dollars to innumerable organizations (our money) and favorable and timely (planted) press releases to hoodwink the public into thinking they are the epitome of all that is right and good.

THIS ARTIFICIAL CLOAK OF RESPECTABILITY THEY MASQUERADE UNDER MUST BE STRIPPED AWAY!

What the public does not know, (but should) is that Curran costs us over \$150,000 a year, because alone with his \$60,000 salary, plus an unlimited expense account, he has a personal aide who chauffeurs his Cadillac limousine at a salary of \$13,500 a year, plus expenses, \$100 a month on the books as a

(Continued on Page 6)

Bring Democracy
Back to NMU!
Contribute to
"THE CALL"
G.P.O. Box 2764
New York, N.Y. 10008

¿Por qué Existe la Necesidad de 'The Call'?

La Oficina Nacional es culpable de abusos groseros de su poder. Ha organizado políticas y programas que, en nuestra opinión, no están de acuerdo con, o expresan, la voluntad de los miembros de la Unión Nacional de Marineros.

En los últimos años, los verdaderos miembros de la Unión Nacional de Marineros no han tenido la oportunidad de expresar sus críticas sobre las acciones de la directiva. La constitución de la unión (artículo VIII, sección 10 (f) (2)) nos garantiza el derecho de "constructivamente criticar" a los directores, el liderazgo, la política y los programas de la Unión Nacional de Marineros—pero en realidad se nos niega ese derecho.

A pesar de el lenguaje explícito de la constitución, el consejo editorial de el "Piloto" rehúsa permitir crítica hacia los directores o hacia las políticas de la Oficina Nacional. El consejo editorial trastorna la función del "Piloto" aun más usándolo como objeto de propaganda para aumentar sus programas y sus intereses creados. (La Oficina Nacional y el consejo editorial son literalmente una sola cosa.) Bajo estas circunstancias los miembros no tienen ninguna manera de "criticar constructivamente" la maquinaria burocrática a menos que ellos no establezcan su propio periódico.

Este es el objetivo de THE CALL (La Voz). THE CALL le ofrecerá a los miembros lo que el "Piloto" le niega: un foro donde cualquier miembro puede opinar y criticar sobre los asuntos de la unión sin miedo de intimidación y represalia.

Lo lógico sería que THE CALL sea incorporado en el "Piloto", para que todas las polémicas de asuntos contravertidos pudieran ser discutidos a favor y en contra ante todos los miembros de la unión. Solamente de esta manera, se le puede ofrecer a los miembros una elección significativa. Si es que se les va a ofrecer alguna elección, ésta debe tener contenido y significado; y no meramente "una selección" donde los "expertos" manipulan los miembros hacia determinadas conclusiones trastornando la información y las alternativas a su disposición. Después de todo, ¿habrá alguna razón porque un miembro de la unión no pueda votar en contra de un candidato sin oposición, una resolución, o un contrato que no le agrade? Si no se le ofrece una alternativa "sí o no" la aceptación o la rechazo. Este no es nuestro concepto de sindicalismo democrático.

THE CALL puede ser el instrumento donde las alternativas no solamente serán permitidas sino cultivadas, animadas y desarrolladas.

¡APOYE SU PERIODICO!

THE CALL es su periódico. Úsalo para desahogar sus quejas y las mismas sean impresas. Si usted las escribe, nosotros las imprimiremos. No estamos obligados a divulgar nuestros medios de información. Si es que no quiere que divulguemos su nombre, le complaceremos.

Necesitamos su ayuda y su apoyo. Si es que vamos a tener democracia en nuestra unión debe empezar y desarrollarse desde adentro.

Aquellos que esperan cosechar la dicha de una democracia deben, como hombres, sobrellevar los rigores de apoyarla.

No luchamos por un pedazo de tierra sino que defendemos una causa y si vencemos al enemigo en una batalla o poco a poco, las consecuencias serán las mismas.

¡APOYE THE CALL!

Mande sus contribuciones a
THE CALL
U. P. O. Box 27
New York, New York — 10001

Members Deluded

(Continued from Page 3)

Field Patrolman and was not elected!

On top of this he has an Assistant appointed by him who costs us \$25,000 a year in salary and who last year had an expense account of over \$12,000. Curran has this Assistant so he (Curran) can run the union by telephone from his Boca Raton estate in Florida, while his Assistant, Perry, on the other end of the line, can lay down the law in New York. Maybe he (Curran) feels that since he has emphasized his name on all our buildings, trucks, and other properties, (as though he built them or owned them) that his physical presence is not necessary but only the mention of his name is sufficient. (After all, God is not physically present either is He?) If you want proof that our union, is being run by an absentee landlord, go through the last couple of years of the Pilot and see how many National Office meetings Curran has attended. As for the rest of the National Office officials? Even though they cost us over one quarter of a million dollars a year in salaries

and expenses; they still feel free each year to purchase or lease air-conditioned Lincoln Continental for so called "office" business. What they are doing of course is obviously clear—they are "living" themselves at our expense.

This Is Your Paper!

Contributions from readers are most welcome. Send in stories, articles, letters-to-the-editor, cartoons, questions or whatever. We want THE CALL to be your paper!

The next issue of THE CALL will carry stories on:

- "Rent-free Housing"
- Facts about the West Coast Agreement
- Contract Proposals
- Proposed Constitutional Amendments. (Full text and detailed explanation).

Membership Losing Voice In Elections

(Continued from Page 3)

by not more than two or three persons. The Panama ballots either bore a small check mark or an "X" written, obviously, by the same hand, and marked for the administration candidates exclusively. On observing this, Morrissey immediately contacted the other two opposition candidates who were present, (Padilla and Cuadra) and the three of them approached Abrams and demanded from him an opinion on the Panama ballots. Abrams answered, after quickly scanning some ballots and turning purple-faced, "I can't answer until I talk with my lawyer." His answer, and the Union's too, is contained in the H.B.A.'s election certification printed on page 22 of the July 1966 of the N.M.U. Pilot.

Panama Ballots Scrapped

The Panama ballots were thrown out, not because Abrams, or the Union, thought the Panamanian unit was ineligible to vote, but because of the obvious fraud and deceit which stood out so glaringly. This could be done only because the Panama ballots were tabulated separately from the rest. But how about the ballots cast in other ports, which can never adequately be checked because they were all lumped together and counted in a common total? How about for instance, the ballots from Baltimore, where the opposition candidates have been reliably informed, members were told by certain port officials to sign the registration book and then leave because "we know how you want to vote"? How about the ballots from Port Arthur, where the ballots were dropped into a mysterious "mail box" which, placed on a chair, was easily movable and within the control and possession of the officials? How about the ballots cast in New York on Friday, April 1st, which remained in the officials' control and possession for three days after they were cast? The registration book on that date shows that nearly 800 votes were cast. Those ballots wound up in George Abrams' private mailbox (the one the postal inspectors later removed) and the said mailbox, with those 800 ballots in it, was moved from the regular polling place to the third floor of the Union's Headquarters Building for "Safe-Keeping."

Incumbents Had Control

The only persons who had access to the area in which this "special box" was placed were the incumbent officials who were running for re-election. When the postal authorities were from brother Morrissey about the moving of the box, they told him, "This was one of the reasons why the New York ballots were segregated. Abrams was made to promise that he would segregate, tally and preserve the votes cast on April 1st and 4th separately and send from the other New York ballots. He put this in writing; in a letter sent to brother Morrissey on May 14, 1966. He again states in a letter dated June 11, 1966 that he complied with this request in his answer to a letter of complaint by Morrissey dated May 27, 1966. Yet Abrams did not do this. What he did was to separate the New York ballots cast on the 1st and 4th of April from the rest of the New York ballots. He then made some kind of rubber-stamp-of-hand not check, and then, without telling Padilla, Cuadra or Morrissey what he was going to do, he deliberately misled them into the rest of the New York ballots? WHY?

Brothers, when are we, N.M.U. members, ever to get a reliable election, adequately polled, impartially conducted and honestly supervised?

Commentario...

Para James Morrissey

Nuestra unión, que por 30 años ha sido una unión de marineros americanos, donde todos nos consideramos iguales, ha sido transformada por decreto de la Oficina Nacional en una unión de dos bandos.

Recientemente, la Oficina Nacional nombró a Rene Lioeangle (?) como Director Regional del área de Panamá. Su trabajo era organizar lo desorganizado y también reorganizar las uniones pequeñas y débiles que ya existían en el extranjero. El hizo una buena labor. Pudo organizar casi 5,000 hombres de diferentes y variados oficios (los cuales sin embargo son marineros) e hizo de ellos una unión sólida y unida.

El plan original era introducir este nuevo grupo dentro de la familia de la Unión Nacional de Marineros como un grupo afiliado, como lo hicimos con el B. M. O., el Local 233 y etc. Esta es una buena idea y yo apruebo y endosó tal programa. Esta gente debe de organizarse para su propia protección, en una unión autónoma con todos los derechos, beneficios y privilegios que ofrece cualquiera unión americana. Deben de elegir su propia directiva y deben de decidir sus propios destinos. Deben, desde sus propios oficios, elegir candidatos entre sus mismos rangos que sean compañeros de trabajo, que sean conocidos y respetados por todo el mundo. Deben ser representados por personas que conozcan sus problemas por medio de su propia experiencia. En ningún momento deben de ser representados por "alfundistas" que no saben nada de sus problemas y que aun no tienen el interés necesario.

Motivos Dudosos

Sin embargo, la Oficina Nacional tenía otra idea. La Oficina Nacional anticipó donde podía usar este grupo para obstruir la votación en orden de forjar el resultado de las elecciones o referéndum en caso de que tengan que oprimir la aprobación de los miembros por medio de un electorado mal dispuesto. De este modo la Oficina Nacional, sin consultar a los miembros, introdujo este grupo a la misma Unión Nacional de Marineros, le dio el libro de unión y todos los derechos para votar como un miembro ya establecido en la unión, pero le negaron la libertad de la autonomía en la unión.

La Unión Nacional de Marineros debe ayudar y apoyar estos buenos unionistas en todo lo posible. Le debemos no solamente nuestro apoyo moral pero también el apoyo financiero, profesional y legal. Sobre todo, debemos de darles su propia autonomía. Con su propia unión democrática, en una asociación fraternal con la Unión Nacional de Marineros directamente, no tardará mucho en que presenten su contrato (que es, hasta ahora bastante pobre de acuerdo con las normas americanas) al nivel de buen sindicalismo. Pero solamente ellos pueden hacer esto; ningún "alfundista" puede hacer en labor para ellos.

Autonomía Negada

Por la Oficina Nacional está dispuesta a mantenerlos como un bando inferior entre la misma Unión Nacional de Marineros, para negarles su propia unión autónoma y para usarlos en lugar de un bloque de votos a su favor con que la Oficina Nacional pueda controlar los asuntos internos de la Unión Nacional de Marineros. Su idea es usar los votos de los trabajadores en el Canal de Panamá para incrementar las elecciones de los agentes de puertos, como en Nueva York y Montreal, 2 para

resolver tales preguntas como si un marino debería de pagar otro aumento de cuotas.

Estos hermanos son trabajadores de canal y de ferrocarril, son nacionales de Panamá con problemas industriales muy distintos a los de un marino americano. La constitución les prohíbe (por no ser ciudadanos) aspirar un puesto en la misma Unión Nacional de Marineros y por la ley de los Estados Unidos están prohibidos a navegar en los barcos de los Estados Unidos están prohibidos a navegar Dentro de la misma Unión Nacional de Marineros están destinados a una posición de segunda clase. Sus cuotas (fijadas en solamente \$2.80 mensuales) reflejan ese hecho. Ni tan siquiera nunca han pagado la cuota requerida para la iniciación. Pero la Oficina Nacional propone mantenerlos en una posición de segunda clase entre la unión y entonces negarles la autonomía local de unión para usarlos como "carne de cañón" para ayudar a la Oficina Nacional en sus peleas internas contra los miembros de la marina. Ninguna unión tiene el derecho de introducir miembros a su organización, si esos miembros, bajo su propia constitución, se les negará el derecho permanente de ser nominados o elegidos a algún puesto. Parece ser que esto es una violación a la ley federal.

Altas Votaciones de Panamá

En una reciente elección de oficiales la unión panameña registró 2,616 miembros con derecho al voto. Aparte de Nueva York, ningún otro puerto tan siquiera se acercó a este número. El primer puerto más alto fue el de New Orleans con 1,746 seguido por Arthur con casi 700 registraciones menos que New Orleans. Aun el puerto de Panamá que será la sucursal de la unión que le sigue a la unión de Nueva York en número de votos: (por decreto de la Oficina Nacional) no se incluyó en la papeleta de las recientes elecciones como un puesto para ser ocupado por un agente o un representante.

La Oficina Nacional se encuentra libre para nombrar su propio candidato a esta área aunque la constitución específica en el Artículo XI, sección 2, subsección 1 que un agente debe de ser asignado a cada sucursal y la sección 3 del mismo artículo específica que debe de ser elegido. (Parece ser que esto es una violación de la ley federal).

Compruébalo Ud. Mismo

Ustedes mismos se pueden dar cuenta que la Oficina Nacional sabe lo que hace en esta acción completamente arbitraria y dictatorial, consulte la página 17 en la edición de julio, 1966 del "Piloto" de la Unión Nacional de Marineros. La Oficina Nacional es el consejo editorial del "Piloto" y descubrirá que la Oficina Nacional le ha dado a Panamá la misma representación en la convención que a New Orleans, y le ha dado de dos a cuatro veces más representación que cualquier otro puerto de Nueva York.

Si esta situación de "dajaro tirándole a la escopeta" persiste y nosotros no recibimos una respuesta y una solución inmediata de la Oficina Nacional, sugiero que los delegados de la convención juzguen a los líderes responsables por su conducta reproachable bajo el Artículo XXI sección 2, subsección 2 de la constitución por violaciones a los siguientes artículos: Art. XII, sec. 1; Art. XII, sec. 2; Art. IV, sec. 1; Art. IV, sec. 2; Art. VII, sec. 1; Art. XII, sec. 2; Art. XI, sec. 2; Art. XV, sec. 2 y Art. XV, sec. 3.

Plaintiff's Exhibit 2

THE CALL

FOR NMU DEMOCRACY

733E

May 14, 1971

Don't Lose Your Pension Credits

Attend Monday, May 24th NMU Meeting

Demand Job Rotation

While the maritime industry has lost 19,000 jobs in the past two years and the NMU has one third fewer jobs under contract than two years ago (NMU Pilot, May-June 1971, p. 17), pension credit requirements have just been increased from 200 to 280 days per year.

But unless we work, we can't earn pension credits to provide for our old age.

To save our pension rights and to pay the grocer and landlord, we must share, we must equalize what work there is.

Share the Work at \$175 a Week

Seamen's jobs belong to the entire membership.

We propose that because of the tight job situation, the shipping rules be changed so that every seaman employed for seven months (210 days) on one ship must get off, re-register and compete for another job.

210 days aboard ship
70 days vacation

280 days which meets the requirement for four full quarters of pension credits.

By sharing the work, everybody can provide for their pension while supporting their families.

An AB working seven months a year will be earning an average of \$175 a week for 52 weeks of the year. This is how it works out:

An AB's monthly base pay as of 6/16/71	\$128
Average monthly OT of 100 hours @ \$4.57	\$457
Average monthly earnings (NMU Research Dept.)	\$585
Monthly earnings @ \$985 for 7 months	\$6,895
Vacation pay for 70 days	\$1,232
Unemployment insurance @ \$75 per week for 12 weeks	\$900
Total yearly earnings for an AB	\$9,027
Weekly average, \$9,027 divided by 52	\$175

A bos'n would average \$12,700 a year; an ordinary seaman \$7,240 a year. Seamen on fast turnaround ships earn additional vacation money.

The Membership Decides on May 24th

Many seamen will agree with our resolution while complaining, "what's the use, you can't fight City Hall."

You're wrong, brothers and sisters. There are more of us, working seamen, than patrolmen, master at arms, port agents or stooges. The only way we can fail is if you don't show up at the next New York membership meeting on Monday, May 24th.

We must pack the meeting with working seamen.

We will assert our freedom of speech, our right to act, by bringing our resolution on the deck and voting on it.

For years New York's port agent has adjourned

membership meetings before seamen could take care of their business under New Business. It's time we asserted our right to make decisions, decisions which will decide whether we walk around with empty pockets and let our pensions go down the drain or share the work and earn our pension credits. When the stooges make their motion to adjourn, vote it down until we've taken care of our business—until we've acted on the resolution to revise the shipping rules to equalize the work.

The only way we, the membership, will get anything done is to do it ourselves.

Let's make May 24th a MEMBERSHIP meeting, we've had enough Monday night circus sideshows.

All Out to the May 24th Meeting!

STAY AT THE MEETING UNTIL WE'VE ACTED ON OUR RESOLUTION.

Vote for This Resolution to Equalize Jobs And Save Our Pension Rights

RESOLUTION (To Revise Shipping Rules)

WHEREAS: The demise of the American passenger ship, the transfer of ships to foreign flags and the replacement of conventional ships with larger, smaller crewed, high productivity vessels has created massive unemployment amongst our membership; and

WHEREAS: The sea-time requirement for pension credit has been revised upwards by the NMU Pension Plan Trustees from 200 days to 280 days of Covered Employment a year; and

WHEREAS: The doubly weighted burden of reduced job availability coupled with an increased sea-time requirement for pension credits imposes a virtually impossible requisite, under our present shipping rules, to the preservation of the pension rights of thousands of NMU seamen; and

WHEREAS: A drastic, new program must be initiated which will open up the greatest possible number of job opportunities to protect the pension rights of the greatest possible number of NMU seamen; now, therefore, be it

RESOLVED: That WE, the Port of New York MEMBERSHIP, demand that the National Office convene the Joint Employment Committee provided for in Article 1, Section 29, of our Agreement with the shipowners whose avowed purpose under our contract is "... to assist in the maintenance of an employment office procedure which will be adequate to protect the interests of the unlicensed seamen ..."; and be it further

RESOLVED: That said Committee shall meet for the express purpose of revising our shipping rules and hiring hall practices and that such revision shall include the following provisions:

1. Any seaman employed for seven months on one ship must get off, re-register and compete for another job.
2. Eliminate all relief trips.
3. End all transfers from ship to ship.
4. Eliminate promotions aboard ship.
5. All jobs must be competed for, no more appointments.
6. No member may compete for any job except in the category in which he or she is registered.
7. That all aforesaid provisions be incorporated into our Agreement with the shipowners and become contractual conditions of employment; and be it further

RESOLVED: That WE, by adopting this resolution intend that it be processed by the New York Port Agent and the National Secretary Treasurer in conformity with Article 26, Section 3, of the NMU Constitution, and be it further

RESOLVED: That WE, who sail from the port that represents over 50% of the union's seagoing members, hereby state that this resolution IS A FORMAL EXPRESSION OF OUR WILL, and that we will hold the National Office morally and legally accountable for any arbitrary or capricious denial of same; and be it finally

RESOLVED: That WE will strongly contest any attempt on the part of the National Office to vitiate, pervert or nullify the self determination of the seamen on a decisive national vote to change their shipping rules by the inclusion of shore-side workers' votes in this strictly exclusive seaman's matter.

James M. Morrissey
Book No 34210

Editor
Co-Editor
Editorial Board
James M. Morrissey
Henry Spira
Ralph Benheim
Dennis Laursell

Bring Democracy
Back to NMU!
Contribute to
'THE CALL'
G.P.O. Box 5784
New York, N.Y. 10001

THE CALL

FOR NMU DEMOCRACY

May 25, 1971

WE WILL BE HEARD

Last night, 500 seamen demanded that New Business be placed on the agenda so we could take care of our business.

So we could adopt a resolution, which was put out by THE CALL, to equalize jobs and save our pension rights.

Prior to the meeting, Labaczewski tried to intimidate the membership with the threat that he was ready for "a rumble." He forgot that Kid-Curran and Labaczewski are not the NMU. They could muster the votes of only 18 members as opposed to over 400 seamen.

The NMU officials called the cops to protect themselves from the membership after Labaczewski adjourned the meeting before it ever got started.

Labaczewski, tearing the NMU Constitution to shreds, decided that he, with national officers present, was running the show, against the wishes of the seamen.

Labaczewski ordered his master-at-arms to expel Jim Morrissey for speaking, after he was given the mike. Unfortunately for Labaczewski, the membership defended and rallied around a seaman's right to speak at his own meeting in his own hall.

Meanwhile in San Francisco, Bob Nesbitt deprived seamen from deciding a similar resolution by declaring that it wasn't an official meeting because it wasn't the last Monday of the month.


What are the NMU bosses afraid of?

They're in a state of panic because seamen are no longer fooled by a lot of doubletalk. Because seamen are not sheep. Because seamen are ready to act in their own interest --to secure work and pensions by rotating jobs.

Today, we will picket and we will demand a special meeting which will require 24 hours notice after 100 signatures are obtained. At this special meeting we will demand a regular membership meeting as called for under the NMU Constitution, Article 24, Section 1.

WE WILL BE HEARD!

736E


 Affiliated with: The American Federation of Labor and Congress of Industrial Organizations
 AFL-CIO Maritime Committee
 International Transportworkers Federation
 National Headquarters
 36 Seventh Avenue, New York, N.Y. 10011
 Cable Address: ENEMU, N.Y.
 Brotherhood of Marine Officers

NOTICE

It is the established policy of the National Maritime Union that only official union publications may be distributed inside the hiring hall or other union offices. No solicitation is permitted inside any union buildings. Any persons attempting to solicit sales or distribute unauthorized literature inside NMU buildings will be asked to discontinue such practice and, in the event they fail to comply with such request, will be required to leave the premises.

Shannon J. Wall

As the above exhibit is faint and possibly illegible, the text thereof reads as follows:

"NOTICE

"It is the established policy of the National Maritime Union that only official union publications may be distributed inside the hiring hall or other union offices. No solicitation is permitted inside any union buildings. Any persons attempting to solicit sales or distribute unauthorized literature inside NMU buildings will be asked to discontinue such practice and, in the event they fail to comply with such request will be required to leave the premises.

s/" Shannon J. Wall"

737E

NATIONAL OFFICE MINUTES

NATIONAL OFFICE MEETING
March 9, 1966

Present: David M. Ramon, Secretary-Treasurer; Shannon J. Wall, Vice President; Mel Barile, Vice President; Rick Miller, Vice President; Robert Nobis, National Representative; James J. Martin, National Representative; Peter Becker, National Representative; E. J. Parr, Executive Vice President-EMO; Willard Quick, Secretary-Treasurer-UMD.

1. The following is a complete list of candidates in the 1966 General Elections:

NAME	BOOK NO.	OFFICE
Outman, Joseph	1	President
Morrisey, James M.	84210	Secretary-Treas.
Wall, Shannon J.	84184	Secretary-Treas.
Barile, Mel	84480	Vice President
Martin, James	85021	Vice President
Miller, Rick	85250	Vice President
Kadila, Joseph	45563	Vice President
Becker, Peter	85530	Nat. Representative
Nobis, Robert	81280	Nat. Representative
Strawman, Leo	47332	Nat. Representative
Strawman, Gaston	35051	Agst-New York
Labetswsky, Joseph	37011	Agst-Baltimore
Martinez, Thomas	17191	Agst-Boston
Humphrey, Gordon	15423	Agst-Norfolk
Rine, James C.	18973	Agst-Philadelphia
Parise, Louis	49530	Agst-Galveston
Kelly, John F.	85551	Agst-Houston
McDowell, Kirby-Smith	85516	Agst-Mobile
Overstrom, Layton	78	Agst-New Orleans
Alexander, Harry	45570	Agst-New Orleans
George, S. D. "Tex"	85111	Agst-Port Arthur
Patterson, Joseph	85030	Agst-Chicago
Monaghan, Thomas Jr.	35023	Agst-Pittsburgh
Neill, William	11540	Agst-Pittsburgh
Curry, Arnold	71780	Agst-St. Louis
Rudolf, Joseph W.	71070	Field Patrolman
Hughes, John C.	49080	Field Patrolman
Bennett, James O.	85030	Field Patrolman
Burke, Jack H.	85023	Field Patrolman
Candara, Guillermo	71540	Field Patrolman
Dwyer, Edward J.	17701	Field Patrolman
Jackson, Albert	40700	Field Patrolman
McKinley, James	29700	Field Patrolman
McKernan, Michael	85019	Field Patrolman
Nayer, Woodrow F.	85470	Field Patrolman
Peters, Manuel	85470	Field Patrolman
Shadiner, John Edward	70207	Field Patrolman
Ryan, Guillermo	70203	Field Patrolman
Shannon, John J.	45530	Field Patrolman
Stich, Louis	45530	Field Patrolman
Szalaki, Max	85118	Field Patrolman
Trullio, Basilio	85794	Field Patrolman
Turchiano, Ralph	19158	Field Patrolman
Zimmer, Jerome	57385	Field Patrolman

James M. Morrisey, candidate for Secretary-Treasurer, who had been elected that his candi-

dacy was to be discussed, was called in and the following statement was read to him:

"The National Office has reviewed the papers which you submitted in connection with your candidacy for the office of National Secretary-Treasurer. The National Office also has been informed both by yourself and through the Post of New York that your answers to Question 5 of the Questionnaire and Question 7 of the Read application form were false in that you do have a prior conviction for armed robbery which is a felony. Despite these admissions your name will appear on the ballot. However, these false statements in your papers create a serious question as to whether you have violated Article 18, Section 3 of the NMO Constitution which states: 'Any member who submits false information as to his qualifications to run for office shall be charged with a violation of this Constitution and tried in accordance with Article 21. If found guilty he shall be expelled from membership.' 'Accordingly, the National Office, pursuant to its duties under the Constitution, is giving this matter further study to determine whether charges should be filed against you. In the meantime, you will be permitted to be a candidate, but a full report will be given to the membership."

Mr. Morrisey stated in reply that he sent a letter explaining the terms in question. Gerrit Rydberg, a candidate for the office of National Representative, who had been notified that his candidacy was to be discussed, was called in and was advised that he was not eligible to run for that office because he did not meet the requirements of Article 9, Section 2 of the Constitution that a candidate for National Office must have served at least one full term as a National Officer, Branch Agent, Field Patrolman or Patrolman. Mr. Rydberg was unable to establish that he met this requirement.

Mr. Rydberg stated that since he had served as an Organizer he believed he was eligible for candidacy. It was pointed out that "Organizer" is not one of the positions listed in Article 9, Section 2 and, moreover, Mr. Rydberg had not served a full term in that position and he was therefore disqualified.

MSC to accept list of candidates with no further withdrawals or additions and the ballot to be prepared and set up in preparation for the election.

1. MSC to join the Georgia State AFL-CIO with Agent Ralph Terchione, post of Savannah, as our representative.

2. MSC to authorize payment of a \$200.00 living allowance for Patrolman Jack Berry, P. of Savannah.

3. MSC to take up with Employer Trustee the question of having unclaimed wages sent from the Membership Commission directly to the Pension & Welfare Plan in order to facilitate payment to the members.

4. MSC to approve the calendar of the Ballot

Constitution of 1950 and when the same shall be closed at the March meeting of the MSC. This was taken up by the MSC and the following resolutions were adopted:

Post Morris 1966 & Secretary U. S. District Construction Co. 11/1/66

MSC to accept the bid made by the Morris & Parsons Co. for the low bid.

4. Report on electrical contracting work installed in the Morris Construction Co. building quarters building. For the 1966 election the lowest bid was \$10,215.00 to be paid by Morris & Parsons Co. The lowest bid for generating unit in the Morris Construction Co. building was \$112,500. A breakdown of the bid was as follows: generating unit to be paid by Morris & Parsons Co. \$112,500.00

5. MSC to accept the resignation of Mr. E. J. Parr, Vice President, Morris & Parsons Co. who was elected as such in 1965. It was the intent of the membership that he should be re-elected.

6. Report on the construction of the Morris & Parsons Co. building quarters building.

7. Report on the construction of the Morris & Parsons Co. building quarters building.

8. Report on the construction of the Morris & Parsons Co. building quarters building.

9. Report on the construction of the Morris & Parsons Co. building quarters building.

10. Report on the construction of the Morris & Parsons Co. building quarters building.

11. Report on the construction of the Morris & Parsons Co. building quarters building.

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31. Report on the construction of the Morris & Parsons Co. building quarters building.

32. Report on the construction of the Morris & Parsons Co. building quarters building.

33. Report on the construction of the Morris & Parsons Co. building quarters building.



738E



STATE OF CONNECTICUT
BOARD OF PARDONS

Office of Secretary
1115 Main Street
Bridgeport, Conn. 06603

CERTIFICATE

On April 4, 1966 this Board heard the petition of James B. Morrissey for a pardon of his conviction in the Superior Court holden in and for the County of Fairfield at his June Session 1938 for the crime of breaking and entering (one count) and robbery (two counts) committed in Bridgeport, Connecticut, on March 24, 1938, March 28, 1938 and April 8, 1938.

This Board unanimously and unconditionally granted the pardon.

Attest:

Board of Pardons

Isadore L. Kotler

Isadore L. Kotler
Secretary

April 4, 1966

7395

Passing the word

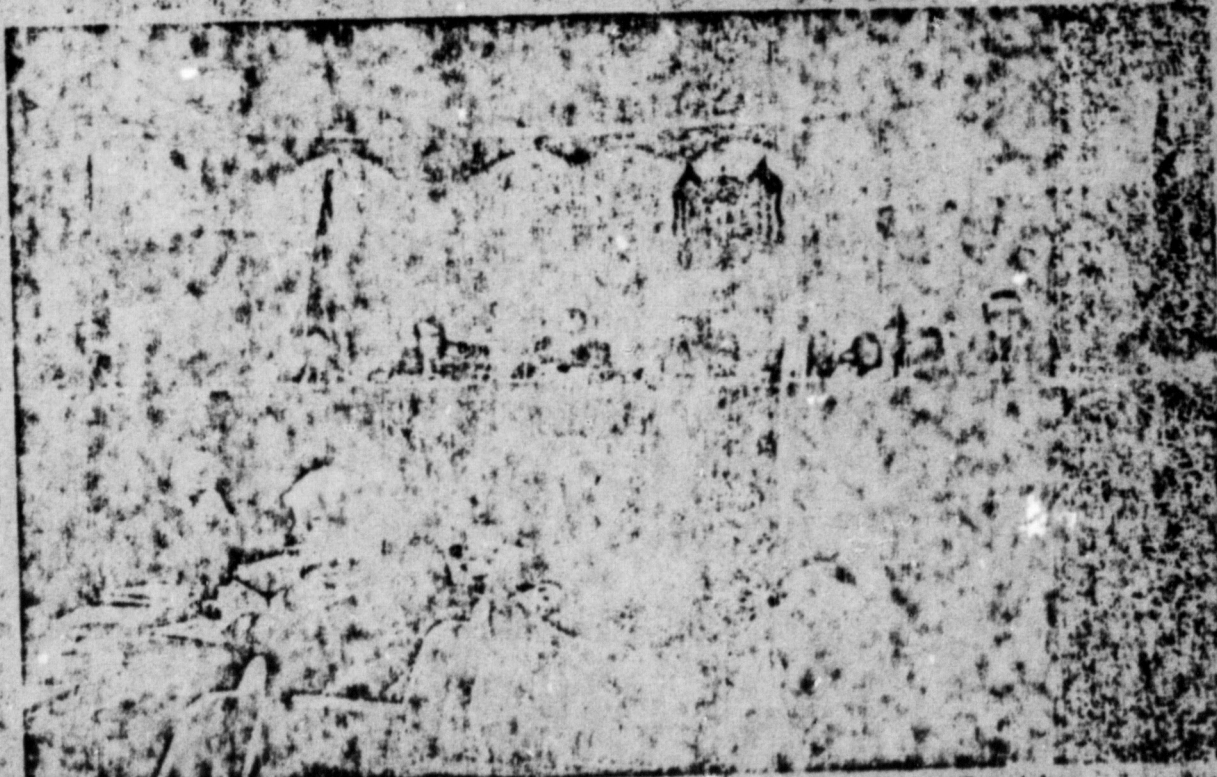
as a result of their operations. American owners of foreign flag vessels doing all or most of their business in and out of the U.S. should be made to bear a share of unemployment here.

A program for boycotting foreign flag ships which compete unfairly should be developed with all maritime unions, longshoremen and teamster unions participating. The efforts should be intensified to achieve the badly needed one union for all unlicensed seamen and one union for licensed officers.

Those are the main objectives our Union has to work toward at this time. Of course, to assure our ability to concentrate on these vital goals, we must safeguard our Union against the disruption and division which a handful of dissidents again have been trying to create. The fact that this group has no membership support has been demonstrated time and again. However, by disrupting membership meetings and attempting to intimidate members, taking advantage of the advantages the Landrum-Griffin law gives to disrupters within unions, they can hamper the effectiveness of the Union's main efforts. We are confident that the membership will continue to demonstrate, as you have so often in the face of

'We . . . have to get protection for U.S. seamen against unfair competition from foreign flag ships. We mean that foreign flag cruise vessels and others having their major operations here in U.S. ports should be taxed, as they are in other countries, to help relieve the unemployment of American seamen who are on the beach as a result of their operations. American owners of foreign flag vessels doing all or most of their business in and out of the U.S. should be made to bear a share of unemployment here.'

past disruptive efforts by these people, that their efforts will not be successful and that we will continue to work on positive programs to protect and advance the interests of the greatest majority of our members.



Taking care of business, President Curran presides at National Council meeting May 14. From left on table are Vice Presidents Leo Strassman, James Martin and Rick Miller; Secretary-Treasurer Shannon Wall; President Curran had Dick [unclear] and [unclear] at the table.

Part I



President's Report to the Fifteenth National Convention 1969

by President Joseph Curran
National Maritime Union, AFL-CIO

INTRODUCTION

The three years since our last Convention have been years of crisis and years of challenge. This applies not only to NMU; it applies to the labor movement, to our nation and to the people of the world.

Considered against the background of national and global crises, the specific problems which we have to contend here in this Convention may seem indeed small. Let us be clear at the beginning: what we are here to do—the specific business of this Union that we are here to consider—is the kind of thing which, multiplied many times over, indeed can provide the answers for our nation and for the world.

We are here to strengthen and promote this democratic organization; to advance its purposes; to increase its effectiveness in fulfilling its responsibilities to all its members.

The issues include basic economics: wages, hours and working conditions; bargaining policies; shipping rules; contract enforcement; organizing; ship.

They include questions of government policy and legislation: the battle for positive merchant marine policy; protection of the rights of workers

in government service and in private industry; tax policies and foreign aid.

They include industrial questions: saving threatened types of vessel operation and developing new types; the problems posed by new equipment and techniques; balancing the impact of conglomerates.

They include the bolstering of our organization structurally and democratically so that, even with the stresses created by low or bureaucratic interference and obstruction of unions, we can best try to fulfill the programs and policies established by our membership through our democratic processes; the perfecting of our communications; the development of new leadership.

Yes, this Convention will have much work to do. The Committee and the Delegates will have to put in plenty of sweat and thought and night and all to get it done. The Convention will not ignore NMU's responsibilities in the larger problems confronting our community, our country and the world. Far from it; for it is the work that we put into the solid immediate problems which will determine our continued strength and effectiveness as a Union and that is what will determine our effectiveness in the larger struggles on which the fate of the world may turn.

Reproduced here is the complete text of the first section of President Curran's report to the Fifteenth National Convention of NMU. Copies of the full report, covering NMU's event under the Landrum-Griffin Act, the battle for a positive maritime policy, contract gains, contract enforcement, NMU security plans, the NMU upgrading and retraining program, the Union's scholarship program and many other issues were distributed to all delegates. Printed copies of the Convention proceedings, including the full President's Report and transcripts of the daily sessions, were mailed to all ports and to all NMU contract vessels.

The complete text of the second section of the President's Report, the State of the Union message, will be printed in The PILOT for January, 1970.

ORDEAL BY LANDRUM-GRIFFIN

The through of this Convention makes clear we are going to have to deal with tremendously important issues—ones that may deeply affect the well-being of our members now and for years to come, as workers in the industry, as fathers and as citizens.

We have to develop a program that will carry forward the Union's objectives to serve our members on all these issues.

But our report must begin with a view of an attack against NLU. We put it at the beginning and we will devote a large part of the report to this attack because a major share of the energies, resources and attention of our organization in this crucial period was taken up with the various phases of this attack.

We intend to report this in considerable detail. We do so not because we want to take over old cases; but because we believe it is of prime importance for our members to understand the nature of this attack and the kind of weapons that were used against the Union. To some extent, this attack is continuing although it has been repudiated several times over by the NLU membership.

It is important to have the record clear on this situation. We are not concerned about the people responsible for the attack as individuals. We don't intend to name them, as long as the facts can be clear without doing so. We are concerned about this type of individual and what such individuals can do to our organization. But we have no intention of getting down to their level.

We are more concerned about the weapons which can be found in our statute books and in cunning use of our courts and government agencies which are available to these people and the people behind them. As long as such weapons are on the books we can be sure that somebody is going to use them.

The main arsenal for the weapons used in this attack was the Landrum-Griffin Act. That is the law under which our Convention was judged "guilty" by a Federal Judge. As every member knows, it was the NLU Constitution alone that the court ruled against. There was no finding of wrongdoing against the Union or any officials. Before a blow-by-blow description of the attack, it is important to know the kind of law Landrum-Griffin is and NLU's position on it before and since its enactment.

A LEGISLATIVE ATROCITY

The Landrum-Griffin Act is the name used for a broad new national labor statute officially titled the Labor-Management Reporting and Disclosure Act of 1959. The Wagner Act in the mid-30's wrote into law a charter of labor's rights, officially recognizing labor's right to organize and to bargain collectively with their employers. Then in 1947, the Taft-Hartley Act threw the balance of the law back against workers by providing anti-union employers with new means of defeating legitimate organizing drives and evading their responsibilities in collective bargaining. The Taft-Hartley Act slowed the growth of unions and made it more difficult for unions to protect their members. But nothing could stop labor's forward march.

Then, in the late 1950's there came another drive to weaken unions and break down the confidence which people had in organized labor. The campaign was promoted by a combination of forces representing government, press and big industry. They took some cases of corruption within unions—most of which would not have been possible without management collusion and all of which could and should have been handled through regular law enforcement procedures—and used them to malign, slander and defame the whole organized labor movement.

Most of you probably recall the spectacular circus put on by Senator McClellan and his so-called Select Committee on Improper Activities in the Labor or Management Field in 1957. Witnesses were paraded before the Committee and on national television with no pretense of due process in the conduct of the hearings; little or no consideration by the committee—and certainly none by the press—for the rights of witnesses.

But the main victim in the spectacle was organized labor itself. The whole pattern of the hearings was designed to create fear and anger against organized labor as a whole.

The result was a period of rabid anti-labor hysteria. And out of it came the new basic statute known as the Landrum-Griffin Act.

Landrum-Griffin went far beyond the Taft-Hartley Act in weighting the scales against workers. It gave employers a powerful assortment of weapons to keep unions out of their plants, or get rid of established unions, or keep established unions weak and off-balance.

The most effective weapons in this vicious anti-labor law were in the section which was designated "a bill of rights for union members."

This section was the brainchild mainly of the committee chairman, Sen. McClellan. He has always been one of the most backward members of the Senate on labor's rights, civil rights, human rights—so you can well imagine the kind of Bill of Rights he would write for union members; and why he would want to include such a section in the bill. It certainly would not be for the purpose of strengthening unions and making them more effective in promoting the well-being of their members.

What they did in this section was to take the kind of rights that are basic in American democracy—such rights as are either written or clearly

understood in any Union Constitution—and they established a new agency within the Department of Labor to see that these rights are enforced. This was the Office of Labor-Management and Welfare Enforcement.

The bureau was given various police powers over unions: investigation, subpoena, etc. to enforce the "rights" contained in the new law. Powers were multiplied by the fact that the law was very vague in indicating what was to be enforced. When a law says something about being "reasonable" or "democratic" or "fair", obviously, there are going to be a lot of different opinions of what meets these standards.

So under the law we got a new and powerful government agency with a vague set of rules to guide it. In addition, the law specified very severe penalties for any union officials who violate these vague regulations under the law.

And if that isn't enough in completely paralyzing efforts of unions, the law provides that if any member sues to bring a complaint against an official for allegedly violating his rights and if he is found to be in violation he has to defend himself at his own expense even though the alleged violation was in the course of the official's performance of his duties under the Union Constitution. It was a sure way to silence.

So we have a law which claims to be for the good of workers, but in doing so it makes it more difficult for the union to do its job of serving its membership and of implementing the program and policies of the majority of the union approved and elected by the members of the union—and they go to employers, politicians, lawyers, and the union members, crooked politicians, crooked lawyers—to spend money to keep the union from within.

You also have a machine in the hands of government officials which has a new agency with various police powers to enforce a law that is very broad and very vague.

In Landrum-Griffin there has always been a good deal of controversy about what is allowed, what is forbidden and what is required. It is a matter of interpretation, as the organizations affected by it have learned by the trial and error method—often their own or others'—in the courts. Even the lawyers must operate by their own sense of what the law means. "Connections" become more important than the law itself in this democracy.

This kind of law provides an opportunity for the government to harass unions. The interpretation of the law that is made by the government can be hard or soft, tough or easy, depending on a large number of factors. Particular administration feels about the organization in question. If it seems there has been a violation, the agency can give the organization a chance to correct its alleged mistakes on the basis of suggestions which it or they can insist on bringing the case to court.

That leaves the kind of union over which the law is intended to which some bureaucrats, under the law, only. And even when they do, they enjoy it, most of them know how to make the most of such powers. Unfortunately, many organizations are so weak and unprepared that instead of standing up, so in their responsibility, they fall all over themselves to make accommodations with this kind of power in the hands of government.

I can assure you that many organizations have compromised and made concessions to the mere threat of attack and often have under the law. I am proud that, as this report will show, NLU has not compromised and that our stand has been powerfully vindicated by our members in every time.

As for union-busting elements, Landrum-Griffin provides a perfect setup for them. Anybody who has means to want to keep a union out of a plant or upset an administration, has only to find some document inside the union which will work the Landrum-Griffin Law for the papers. The formula is to defy union procedures, disrupt meetings, do anything possible to provoke a union into taking some disciplinary action; then make a copy of it. Or find some part of a Union Constitution and, regardless of how the Union membership might feel about it, charge that it is not "fair and reasonable", according to Landrum-Griffin. Backed up with enough money and sharp lawyers (some of whom make a specialty of this kind of case), you can embroil any union in a long series of suits. Even if you don't take a union over or beat it, the technique can be very handy for weakening a union in important battles.

That's the kind of law which has provided the arsenal for the attack against NLU. We did not see the light on this law only after the attack started. We branded this an anti-labor law for those reasons and we have fought against this law from the time it was first proposed in Congress.

The AFL-CIO, which opposed it for decades, tried to get it passed for a couple of modifying amendments and got a very small victory at the end. But NLU, I am proud to say, spoke out and fought against it through to the end. We are still fighting it.

We testified against the Landrum-Griffin proposals before Congress in 1959. I believe the record of the Landrum-Griffin attack is in NLU's hands. I show what we said at that time, because it has been set in the record. In pointing out the weaknesses and errors of that law, we almost laid out a blueprint for the attack which has been made against NLU. Here are some excerpts from our testimony before Congress in 1959:

7112E

"This is a bill conceived in haste, based on fear of the working man and hatred of unions, designed to cripple the legitimate labor movement..."

"Under the claim of 'protecting' union members, this bill contains provisions which would make it virtually impossible for union officials to protect the majority of their membership from the attacks of a disruptive minority..."

"With this kind of law to help them, anybody will be able to play the game of disruption in a union. An employer, an unscrupulous politician, a racketeer or any kind of chiseler with enough money can find stooges in a union, provide them with counsel and harass a union into helplessness..."

"The same opportunities are available to enemies of our country if they want to create chaos in American industry. With this kind of law any group of agents planted in unions could block agreement on contracts, cause job actions and keep unions in constant conflict..."

"Responsible union officials would be severely hampered by this law in their efforts to make gains for their members, achieve stability and maintain responsible relations in their industry..."

"The same bill would empower a political appointee to decide whether or not union officials who have been elected by their members will be allowed to hold office. This is exactly the way the state controls the puppet unions behind the Iron Curtain..."

"The worst of the legislation is that in setting the many complex regulations which unions must comply with, the law is very vague and indefinite. The control powers of the Secretary of Labor are very great and they are very loosely defined. Any union that incurs disfavor of the Administration or does not actively seek its favor, can be brought in for check, harassment and prosecution. No government agency should be able to wield such arbitrary powers in a democracy..."

"The standards with which unions must comply are also vague and indefinite. They show up the trickiness and lack of order in this legislation. What is considered 'reasonable' by the authorities at one time may be held 'unreasonable' at another—depending on what administration is in power and how a particular union stands with the administration. The powers which would be given to government in this bill are the kind that can destroy our democracy..."

In 1960, less than a year after that testimony blasting the proposed Landrum-Griffin Amendments to the National Labor-Management Relations Act, NMU became the first national union in the country to be charged by the Department of Labor for violations of the newly-enacted Landrum-Griffin Act.

The charges then, as in the later case, had to do with provisions of the NMU Constitution. As in the later case, the charges actually amounted to the government's challenging the NMU membership on certain technical details of the union's election procedures.

As we have recorded in earlier Convention reports, the 1960 case ended about a year later, when the government dropped all charges and stated unequivocally that there was no wrong-doing or bad faith on the part of the Union or any of its officers.

The Labor Department and Justice Department worked separately before dropping the case, trying to find a basis for the charges. The effort started in a Republican administration and ended in a Democratic administration. And they both worked equally hard to make the charges stand up. But they could find nothing against NMU or any officials and they eventually had to admit it and drop the case.

There is no point here to go into the details of what was behind that first case but there is reason to believe that some of the outside elements in the recent case were behind that one.

THE SUIT AGAINST THE 1966 ELECTIONS

The U.S. Labor Department took this case to court on the basis of complaints brought against the Union by four individuals. Three of them were candidates who ran for office and were defeated in the 1966 election. One was a member who tried to run for president in 1966 but whose election was ruled out because he could not fulfill the experience requirements set forth in Art. 8, Sec. 2 of the NMU Constitution.

The complainants had been given several hearings before they went to the Labor Department. They had kept up a running fire of charges against the Union before, during and after the 1966 elections. Their charges were directed at everybody involved in the election procedures, including the people who clean the hall in New York, the U.S. Post Office, most NMU officials and employees; but mainly they were directed against the NMU Constitution.

Although it seemed clear the complaints were part of a planned effort to disrupt the election process and to harass the Union, the Honest Ballot Association gave each complaint as it came up full consideration, investigated thoroughly and found each of them without foundation.

After the election, the HBA set up a panel of independent judges who, together with the elected NMU judges of election, held formal hearings reviewing all the complaints about irregularities, etc. The complainants were given full opportunity to present their case, with an official court stenographer keeping the record. The Union footed the entire bill for these proceedings.

The verdict of the panel of judges was unanimous—the complaints were found to be without foundation. The full text of the judges' decisions was published in the Pilot.

The complainants then were given the chance to present their case to the NMU National Office, again with an official record by a court stenographer—and again the complaints were dismissed.

It was now close to the Fourteenth NMU Convention. Here was the place for the complainants to bring any complaints about provisions of the NMU Constitution. One of the leading complainants was among the delegates to the Convention. This was the man who had tried to run for president and whose nomination had been turned down because he did not have prior experience, as required by our Constitution of any candidate for National office. There were other supporters of this opposition group also among the delegates.

Other complainants hung around the gallery of the main ballroom and hotel corridors throughout the Convention. They met regularly in sessions with whatever supporters they had among the delegates.

These were people who were going to bring the weight of the Landrum-Griffin Law down on their Union. They were going to carry on with our Union Constitution into the Labor Department and into court. And the record shows that they did not try to get the NMU Convention to limit it which some of them were Delegates, to take the kind of action they supposedly were seeking.

The men who had his candidacy for President of this Union shot out and who on that basis became one of the prime complainants before the Labor Dept. was a Delegate to that Convention. He did not even ask for the floor. He was a full-fledged Delegate elected by his members but he made no sound on that or any other issue through the entire Convention.

But he gave interviews during the period of the Convention, talking to a number of hostile newsmen and went to great lengths with them, talking about the "dictatorship" and the "terror" in NMU.

There is no question that this kind of "free speech" is a serious violation of the responsibility that one union member owes to his brother or sister union members and to the organization of which they are all part. But under laws we have there is almost nothing an organization can do about such demonstrations of bad faith.

Why would such a man use the newspapers on that occasion to promote his beef but not use the NMU Convention of which he was a Delegate? Is it because he and the other complainants and the people behind them wanted a case and that's all they were interested in? Don't they believe the Constitution of a trade union should be written by its members? Do they prefer to have a Constitution dictated by the government, as in the Iron Curtain countries today and as in Nazi Germany?

As soon as the Convention was over, this complainant and the others who had also submitted nothing for consideration by the Convention, were at the Department of Labor office pressing their case against the Union.

The bulk of their "charges" were their complaints against the NMU Constitution. They also threw in the whole lot of charges about "irregularities" in the conduct of the election itself—the same charges which had been investigated by the Honest Ballot Association and found to be without foundation.

Now the Labor Department took the whole raft of charges and investigated them and informed the Union that they could find no basis for any charges of wrong-doing on the part of the Union or any official.

Nevertheless, the Secretary of Labor let it be known that the department intended to go to court on the charges that certain election provisions of the NMU Constitution violated the Landrum-Griffin Act.

Here is where the vagueness and uncertainty of the Landrum-Griffin Act becomes a factor. Take, for example, the Department's opinion of the requirement in the NMU Constitution on prior service for candidates for national office. Our Constitution provides that while any member can run for an office below national office level—as long as he has the required membership time and employment—he must have prior experience in some Union office in order to run for one of the eight national office posts.

The Labor Department people said this would mean that "less than one percent" of the NMU membership would be able to run for president of the Union at that particular time. One percent of our membership would come to at least 500 members but the Labor Department declared in effect: "We don't think that's enough. The law says every member should have a 'reasonable' opportunity to run for office and we don't think less than one percent can run for president is 'sufficiently reasonable'."

That is a fair summary of the Labor Department's judgment on that point of the NMU Constitution and its relation to Landrum-Griffin. What about other constitutions? The Labor Department has no objection if a Union nominates and elects its president and other national officers at a convention even if the convention itself has no prior service law, then one percent of the membership as delegates. Which means in those cases less than one percent of their members can vote for their officers, let alone run for office. But our Union, where every member has the right and opportunity to vote, is violating the law because only several hundred of them would have the qualifications to run for president.

We are not criticizing other methods of electing officers, if that's what the membership of a Union wants to establish. Many good Unions do it through Convention. But what some does it take to have the kind of law in which one Union will be ruled in violation because too small a proportion of its members can be a candidate for the top office; and yet other Unions are ruled to be perfectly legitimate when an even smaller

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proportion of its members are the only ones able to vote for its top officers.

Therefore, when we were told that the Labor Department conceded that there was no basis for the charges of wrongdoing against the Union but was going to court solely on the basis of their conclusions regarding our Constitution, we met with top Department people.

We told the Secretary of Labor that if it was the Department's opinion that certain provisions of our Constitution violated Landrum-Griffin, the National Office of NLU was willing to consider their objections and if they seemed reasonable and did not require anything we would consider violation of NLU principles, we would try to develop amendments to the Constitution within the Department's concept of what the law required. We would then recommend these amendments to the NLU membership for their approval.

In a meeting with NLU officials and attorneys, we got a firm indication from the Secretary of Labor that this procedure would be satisfactory and would eliminate the need for court action. However, according to our reports, the second in command in the Labor Department refused to agree to this procedure. That official insisted on taking the case to court. There are several reasons this was a surprise. First of all, the regular procedure was to work things out by negotiation where all that was involved were questions of interpretation of the Union's Constitution and the Landrum-Griffin Act. Secondly, there was the question of who was in charge of what.

That provides a fair idea of the kind of chaos this law can create. The law leaves considerable room for questions and it is up to the Department of Labor, as the agency that administers and enforces the law to make the initial determination when the questions arise. If the decision is that a provision of a Union Constitution violates the law, it is up to the same agency to decide on the question of whether they will take the case to court or allow the organization affected to make adjustments the agency deems necessary.

That is a very wide area to leave to the discretion of government officials. It is more leeway on important questions than is good for a democracy.

When the Department of Labor decided that they would bring the case to court, they threw back into their case almost everything that has been brought to them originally, including the allegations of "irregularities" which the Secretary of Labor had already admitted were without foundation. The only explanation for that would be that somebody must have decided that even if the judge was going to throw these charges out, it might help prejudice the judge against the Union on the matter they really wanted to bring to court; that is, whether or not our Constitution was "reasonable" on the points in question. That, too, is an unhealthy way for a Government to operate but anything is possible under an unhealthy law.

THE DISSIDENTS

The characters involved in this attack against the Union are important in this record not as individuals; they are important for what they represent and what they have tried to do to the Union.

It is true that the Landrum-Griffin Act provides all the weapons necessary to harass, weaken and in some cases destroy Unions. But it requires people inside unions to use those weapons. Or there have to be people inside the Union who will let themselves be used by somebody who wants to use those weapons against their Union.

Therefore, in considering the Landrum-Griffin Act and its use against our Union, we have to know the kind of people we are talking about. We will not identify them personally. Our only purpose is to indicate the kind of people who get involved in this kind of situation.

Our experience indicates that the kind of people who will promote such situations are not the kind who demonstrate real interest in Union affairs under normal circumstances. Suddenly they parade themselves as "champions of democracy", but examine the record and you will find little evidence of activity in the democracy of the union before "democracy" became their business.

Our experience also indicates that once an individual gets himself involved in a controversy with his Union under the Act, he is supposedly endowed with "super-protection" against the normal responsibilities of membership in the Union or, for that matter, responsibilities of the job he might work at under the Union contract.

They become above and beyond the reach of the usual rules and regulations. If any demands are made on them to fulfill responsibilities as members or as employees, particularly if any normal disciplinary action follows a refusal, that is likely to become "persecution" and "abuse".

Our experience also indicates that such individuals are likely to take full advantage of this "super-protection". They will use it in effect, to demonstrate their power and arrogance in the mistaken belief that this is what will win them membership support.

There is a wealth of evidence on all these points. We do not intend to cite it all here although we believe that eventually the full record in all its sordid detail must be told in the interest of the labor movement and in the interest of sound legislation to govern labor-management relations.

But our membership has shown that it knows the score. So we have no intention of giving any individual the opportunity to claim "martyrdom" here because certain facts are stated in this report.

There were countless incidents during the period to demonstrate the kind of "union man" these were. We don't intend to recount them all. There was no low blow that could be thrown at the Union that they have not used. There was no hoax that might make somebody have doubts about the Union that they have not used — phony bomb threats, death threats, "missing rebels feared dead" — anything that a glib and sensation-hungry press might use and usually did.

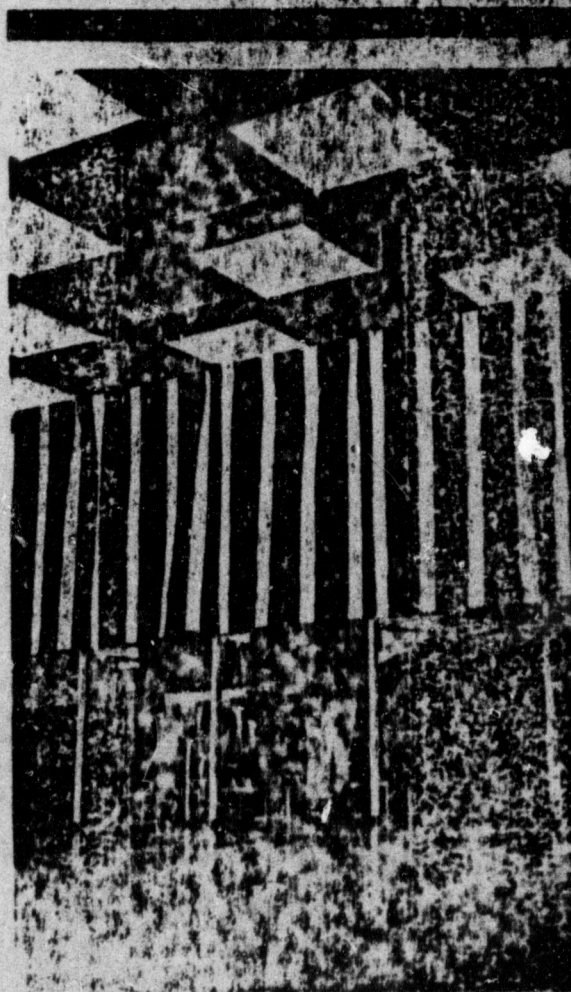
It takes a certain type, we believe, to use such tactics against a Union. Some if it is their legal right and nobody is going to deprive them of their legal rights. But we'll never make our peace with it. No matter how angry these people may be at Curran or any other official, it is their brains and sister members they are hurting when they bring this Union into disrepute. And how hard they have worked to do that!

The Landrum-Griffin Act was written for this kind of character. It was written for those who find it easier to go to the Labor Department with their backs against the Union than make their pitch to their Union members in the procedures laid down by their Union Constitution.

When we say "dissident" we are not talking about everybody who might want changes in our Union Constitution or structure or who might like to see a change of officers for that matter.

That is every member's right and if he can get enough members on his side of any issue, or can make his arguments forcefully enough, he can get the changes he wants. We have had that kind of member throughout the life of this Union and, for the most part, the Union has been the better for it.

But that doesn't make a member a "dissident" as we use the term. A "dissident" in our book, is one who opposes for the sake of opposing. He is one who opposes for the benefit of someone or something other than the membership. That, we submit, is the kind of "union man" Landrum-Griffin was meant to protect. It was not meant to protect the membership of any Union or to strengthen any Union's ability to do its job of serving its members.



In NLU, the Membership Close the Aisles to Free, Democratic Speech

7/11/15

CARRYING OUT THE COURT'S DECISION

The case dragged on for more than a year in the Federal District Court in New York before Justice Constance Baker Motley. Her decision was handed down on April 18, 1968, two years after the disputed elections began.

As expected the decision made clear that there was no finding of wrongdoing on the part of the Union or any of its officials in the conduct of the 1966 elections. Nor was there any wrongdoing in the conduct of the referendums by which the NMU membership had approved the Constitutional amendments the court ruled against. But the judge ruled against NMU, solely on the basis of what the NMU Constitution provided.

The court held that these specific provisions of the NMU Constitution violate the Landrum-Griffin Act:

Article 12; Section 1 -- Provides that voting will take place only in polling places designated by the Honest Ballot Association with absentee ballots only for members confined to hospitals through the voting period (this was adopted prior to 1948 on recommendation of the Honest Ballot Association.) The judge insisted that any member who could establish he could not be present at a regular polling place through the voting period should be entitled to an absentee ballot (some 300 absentee ballots all told were voted in the election).

Article 9; Section 3 -- Provides that candidates for any of the eight national offices in the Union must have had prior service in some Union office (this was approved by the 1960 NMU Convention and ratified by secret ballot of the NMU membership). The judge held that any member in good standing, per the Constitution, should be able to be nominated and run for any office.

Article 11; Section 3 -- Provides that the post of Port Patrolman would be an appointive, rather than elective, post (approved by the 1963 Convention, ratified by secret ballot referendum). The judge held these were official posts and had to be voted on as all other posts (this contradicted previous government rulings on the same issue).

On the basis of these findings, Judge Motley ordered the following:

- The 1966 elections were to be set aside.
- A new election was to be held under supervision of the Department of Labor with all offices open, including Port Patrolman.
- Absentee ballots were to be provided, not only to hospitalized members, but to any members who could establish that they would not be able to reach an NMU hall during the voting period.

The Union immediately turned Judge Motley's decision "an unfortunate ruling based on a vicious law," which was putting it mildly.

We pointed out that the precedent of a court setting aside decisions of a Union membership as to the functioning of their organization -- decisions arrived at by what the court itself admitted were unquestionably honest and democratic procedures -- was reducing American labor to a condition not better than that of the so-called unions behind the Iron Curtain. There still is no question in our mind about that.

But we had to consider not only the principles affected by this ruling; we had to think of the effect on the Union and on the immediate vital battles in which our Union was engaged, battles which would affect the jobs and security of our members.

One battle facing the Union was the expiration of our deep-sea contracts, then only about a year off. Another was the long drawn out battle in Washington for a positive merchant marine policy. It being a national election year, and the maritime situation at a point of desperation, this was a time we had to intensify all our efforts in the policy battle.

Because of the grave importance of these issues, the Union decided its responsibility was to clear the air as quickly as possible of any doubts and confusion which the court ruling might create -- particularly among Congressmen and Administration officials who could influence the maritime policy issue and among the shipowners with whom the Union must deal in negotiations and contract enforcement.

We therefore called upon the Labor Department to immediately begin setting up a new election in accordance with the court's ruling.

Things don't move that way under a law like Landrum-Griffin, however. Remember, it is not a law designed to provide justice and protection for Union members. It is a law designed to provide red tape, booby traps and other machinery for harassing unions and to make all of this available to government bureaucrats, union dissidents and exploiting employers.

The so-called dissidents wasted no time. Their efforts to provoke somebody in the Union by arrogant and obnoxious behavior were stepped up in ports and aboard ship. They knew it would not matter what the circumstances were, any reaction by the Union would give them a chance to scream persecution. No matter how restrained the Union response might be or how severe their provocation, it would probably get a couple of headlines and possibly impede the election procedure.

Leaders of the opposition who had been living high on the beach for a long time, working gimmicks in the shipping rules so they managed to keep in good standing, now began taking jobs aboard ship. When they shipped out, they went aboard as politicians. They had no intention of doing any work. Working would interfere with their politics.

Naturally it didn't always work. Sometimes a shipmate would insist that they work at whatever job they were supposed to do on the ship. That was okay; that was their chance to holler persecution.

Just one example is needed to illustrate how these people used this dirty tactic. This example will also illustrate how the people of the Bureau of Labor-Management Reports -- the policing agency under Landrum-Griffin -- were suckers for these tactics of the opposition.

This was on the return of the SS Constitution from a voyage in Spring of 1968. As is routine, Union Patrolmen were at the dock to meet the ship. They were surprised to find top representatives of the BLMR there too. It turned out that the BLMR had received a cable from the ship from one of the key complainants who had shipped out for that trip as Galley Utility.

The complainant's wife was an urgent appeal for G-men to meet the ship because he was the victim of "abuse and discrimination." So there were the government people, papers and pencils in hand, waiting to run up the gangplank the minute she touched.

Naturally, the Patrolmen called the Hall to report the presence of the Government agents and several National Officers rushed to the ship. What happened after that would make a great comedy, if it was not so sad for unions and their members.

The G-men, sure enough, reeled up the gangplank like bloodhounds. While a couple of them hurried to the galley to confer with the commanding officer, others began collaring NMU members, ship's officers, company people. Barely identifying themselves to these armed individuals, they began firing questions. This was a Federal case, they warned, so they had better get the truth, the whole truth, etc.

According to reports we had both from our members and company people, the Government agents gave the impression they were to make charges rather than find out facts. But the facts came out: just the same, and they didn't confirm the charges.

It turned out that the only abuse and discrimination the complainant suffered was that the Chief Galley Utility, the complainant's supervisor, demanded that he put in a fair day's work in the galley. And when the complainant refused to be told what to do and insisted on his right to work at politics instead of his job aboard ship, the Chief Utility had him fired. That was the basis for the complainant's wire to the BLMR about "abuse and discrimination."

The Chief Utility was put under pressure by the Labor people. They tried to get him to admit that he acted under orders from the Union. They tried to get him to admit that he didn't like the complainant, because of the political situation in the NMU. The Chief Utility would not be shaken. He made clear he was a sincere and conscientious worker, who saw to it that his galley ran the way it should run; and it was for that reason and that reason alone that he would not put up with a strike like the complainant turned out to be. The fact that the Chief was also a good Union man was incidental and the government investigators reluctantly had to admit it.

In ports, leaders of the dissidents or their stooges invited officials, disrupted the port, made threats against officials, members, even families of officials. It was all in hopes that somebody would throw a punch at them or otherwise "abuse" them. They would welcome anything they could use to lodge a charge against the Union, delay the vote, maybe get grounds for challenging the election.

The Union issued strict orders to all officials and all employees that under no circumstances, even under the most extreme provocation, were they to take any action in response to these tactics.

We knew this was asking a great deal of individual officials and employees. The threats and insults the dissidents were making are not the kind of thing a man can take without doing something about it. But we told them they had to put the Union interest above their personal feelings. Believe me it was not easy for us to make this request in many ways. I am proud to say that our officials and the staff people gave an impressive demonstration of their dedication and their responsibility in the face of all the vicious tactics used against them.

With all the dirty tactics they were using, the complainants and the battery of lawyers still found grounds on which to bring additional charges against the Union. One suit after another was filed in court against the Union, covering every phase of the operation of the Union.

Such matters as contract enforcement, shipping rules, even negotiations were involved in some of the actions. There are just areas in which courts and government agencies are expected to be competent, and they know it. They are areas in which courts and administrative agencies are most reluctant to intervene except on the clearest and most incriminating evidence of wrongdoing.

But under Landrum-Griffin it seems that a new set of rules apply. People who put themselves in the position of attacking their Union, and who come kind of special status and are handled differently. They can bring the flimsiest of evidence to judges who are totally incompetent to judge that evidence and an action is likely to be handed down against the union. There are getting to be very few judges, to go by our experience, who will demonstrate any decent reluctance about intervening in the democratic working of democratic organizations. We have the Landrum-Griffin Law to thank for that further deterioration of the idea of a free labor movement.

The possibility of "bad law" being left on the books is one of our principal remaining concerns in the campaign that has been carried on against

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the NMU Administration. The lawyers behind the dissidents and whatever other groups are involved have only one consideration — that is, to damage NMU by any means possible. Long standing threats to Unions damaging precedents for organized labor mean nothing to them, as long as they achieve their immediate purpose. They are only in this for the short haul. The damage that can be done is considerable and we regard it as our responsibility to clear it up as much as possible.

Over a period of months after the court's decision ordering a new election was handed down, we met with Labor Department officials in Washington and in New York trying to set the ground rules and get the election underway. It was no simple matter. Time and again we had to remind representatives of the Bureau of Labor-Management Reports who were assigned to supervise the election, that we had no intention of turning NMU over to them. The court had the power under Landrum-Griffin to order a new election; to change some of the election rules which our Union had adopted; to put the Department of Labor in to supervise—but that was all the court did. We still had the Union to run and it was going to be run by the elected officials of the Union and not by the Department of Labor. We made our point.

We gave them all possible cooperation, however. After all, the Union had the greatest reason to want to get this election completed because the Union still had to carry out all its responsibilities to the membership. The so-called opposition in the Union had no interest except to cause maximum chaos. And the main interest of the Government people, of course, was to prove themselves efficient, in carrying out the court's orders.

The Union Administration had to fight this battle and at the same time keep it from interfering with the other battles that so much depended on.

The BLMR people were not entirely to blame for the delays. They had their hands full with the disruptive tactics of the dissidents. Now they were finding out what we of NMU knew some time before, that the opposition's front people may have been lightweights and pretty dumb most of the time, but there were forces behind these dissidents who were cunning, ruthless, well-organized and very well-financed. There was hardly a move the BLMR people could make; hardly a decision they could agree to, without it being challenged by the opposition group.

Any delay in the election served the purpose of the opposition. An election was the last thing they wanted. They were interested in disruption and damage to the Union. The election would only shorten their field day. They knew that, in time, the election would have to be held and they probably knew they would then be repudiated. They might fool courts, agencies and the press—but they knew they couldn't fool the NMU membership. So they wanted to hold the election off as long as possible. Furthermore, they wanted to pile up all possible basis for a challenge of the election results whenever that might be. So they had no intention of acting in anything in a serious constructive manner. Instead they trumped up more phony charges and filed more complaints and legal actions against the Union.

The BLMR held regular meetings with them, as they had to do under the law with any members who requested it. The dissidents would have liked something more. They wanted three-sided meetings—the Union, the BLMR and them. That, of course, was ridiculous and we made clear we would not be party to any such meetings.

If BLMR wanted to open the meetings to individual members, or people claiming to represent individual members, they would have to open them to all. Every member of NMU had at least as much right any of the so-called opposition to sit in personally on such discussions. So the government ought to hire Yankee Stadium, if it intended to make three-way meetings.

We took the same position with respect to The PILOT. The so-called dissidents were not going to get any "equal time" privileges in the Union publication simply because they had used the Landrum-Griffin Act against the Union. Certainly that did not give them rights above those of any other member. To give them any such privileges would in our estimation be misuse of Union funds. We would rather go to the membership and ask them to shut the publication down first.

There was more delay while the Labor Department argued over more meaningless detail raised by the opposition. Finally in July, more than three months after the court had handed down the decision ordering an election to be "promptly" held, we publicly announced that we intended to go ahead with arrangements for the election. We did this without consulting the Labor Department. We notified the Secretary of Labor that we intended to meet August 6th with the Honest Ballot Association to set up election procedures in accordance with the NMU Constitution and the court's order. We asked the Secretary to see to it that Department representatives were on hand to supervise the proceedings as required by the court. The Secretary came back with a hot-headed reply but things moved along somewhat faster after that.

We felt that now, as the election approached, we had to be even more careful about "sensitive" areas that might give the opposition grounds for a challenge of the eventual election. It was not easy to avoid the possibilities. The opposition was constantly trying to provoke action against them. The Union even eliminated the "Voice of the Membership" section from the PILOT at the suggestion of the BLMR as of the November, 1968 issue through completion of the voting. When we give up that membership forum which has been so much a part of NMU history, there can be no doubt we are bending over backward to allow no room for complaint.

We made clear, however, that we would not sit back and allow forces hostile to NMU take advantage of the uncertainty which was felt in the period between the court's ruling and the completion of the election. No matter who was involved, we would speak out against any activity which we felt was meant to damage or divide NMU.

Also, we made clear, we would enforce the NMU Constitution no matter who might be hurt, including potential candidates for office in the opposition. We demanded that the Labor Department recognize that we had a Union to run; that they stop playing politics and get the election under way. And until they did that, we demanded that they stop encouraging the incompetent and irresponsible complaints which the opposition was filing every time NMU officials did anything at all to carry out their Union responsibilities.

Two of the most difficult obstacles to the election involved suits brought against the Union because the Union had taken action against leaders of the opposition in accordance with our Constitution. One of them had been suspended for refusing to pay dues, a clear violation of our Union Constitution. The other had been brought on charges by a dissident of threatening with a dangerous weapon. The decision of the trial court was to expel and this had been upheld by a summary judgment at which the accused personally made his plea.

Now both these actions were in court. Both charged that their problems stemmed from the fact they were parties to the Landrum-Griffin action. The fact is, they had made it impossible for the Union to avoid taking the action it did. This was part of the dissidents' game. But the Secretary of Labor was insisting that the same had to be repeated before the election.

Finally, in August the last of the obstacles was removed. In order to get the election started, the Union agreed to let the two persons named as members, Rules for conduct. No election was then held to elect members for the membership. The voting took place in all parts from January 2, through February 28, 1969. An elaborate set of rules and regulations were set, most of them merely spelling out what had been done in NMU, either by Constitutional provision or previous precedent. We set up whereby any candidates could have campaign material distributed in ports and aboard ship. Provisions were made for the U.S. Department of Labor to have observers on hand in every voting port, including Panama and Yokohama.

MEANING OF THE ELECTION RESULTS

In the elections, the NMU membership demonstrated a clear and definite desire to have so many times in the more than 30 years since the Union was founded, that they know the score and that they will act as trade unionists to keep their union strong and democratic in spite of all efforts of outside forces to disrupt and divide.

The results were a powerful reaffirmation of the 1966 election when the opposition had challenged. We take this as a tribute not to any candidate or group of candidates; it is more a tribute to the NMU membership: a declaration that the NMU membership today as in years past is dedicated to achieving solid trade union gains by working and fighting for solid trade union programs. Which means the membership intends to go to it that our Union keeps a true course.

The results were remarkable for a number of reasons. One is that there have been years of social and political upheaval throughout the country, affecting not only unions, but national and local politics and organizations in every kind of field. Second, the NMU membership had been subjected to an unusually long and insidious campaign, aimed at creating mistrust and resentment of the NMU leadership. The dissidents had used publications and other costly techniques to use in their campaign.

But the factor which might have been considered most likely to contribute to a shift in voting patterns in NMU in 1969 as compared to 1966 was the thousands of NMU oldtimers who had left the industry. There were nearly 10,000 on the NMU pension rolls at the time of the voting. Some 5,700 of these had retired since the 1966 elections.

But with all these factors at work—and it was enough to make the New York Times and the Wall Street Journal predict that an "exit" to NMU was likely—the election results demonstrated an NMU membership as solid as ever. If anything it was an even more emphatic reaffirmation of the 1966 results.

One of the things about the election results that should be particularly satisfying to all members is that the only "pattern" that showed in the voting is the pattern favoring ability, experience and unity in the leadership. Aside from that you could find no "geographic pattern", no "craft pattern", no "age group pattern"—none of the dissidents that have shown up in so many other elections recently. The NMU tradition of "one Union-one membership" held as true as ever.

The dissidents, as could be expected, immediately branded the election "a farce". They moved to have it thrown out. As we indicated, they had made clear from the moment the court handed down its decision calling for a new election, that a main part of their effort was going to be aimed at getting grounds for challenging the new election.

Although the BLMR people by now must have known as well as NMU how completely phony the so-called dissidents were, they faithfully investigated every new complaint. One after another, they showed them as

without foundation. After this work was finally and completely done, the BLME submitted its certification of the election results to the Department of Labor. Several weeks more went by and the Secretary of Labor certified the report and forwarded it to Justice Motley. Finally, in July of this year, the long, dirty, disruptive and extremely costly challenge of the 1966 NMU elections came to an end with Judge Motley formally accepting the Labor Department's certification of the results.

Even that does not quite end the record of this attack, however. Several of the actions begun by the opposition group are still pending and must be concluded.

AND THE DISRUPTION GOES ON

One of the charges on which the opposition counted most during the election was directed against the NMU membership in Panama. The dissidents contended these members should not be allowed to vote, except as a separate entity. The opposition was counting on this action, first as a tactic for splitting the NMU membership. Second, they counted on the Panama charge to provide grounds for them to carry on the fight against the new election in the Labor Department and in the courts.

As far as the Panama question is concerned, we made clear where we stand on this splitting tactic during the election. There will be more said in this report and in the course of the Convention about Panama—about the Panama membership, what NMU is doing for them and what it means to the whole Union.

In spite of Judge Motley's acceptance of the election results, we must regard this challenge as one of the lingering aspects of this campaign which NMU has to face. There are others—the remnants of the series of law suits filed willy-nilly by various members of the opposition. It costs money to get the kind of legal service they were getting. There seemed to be no shortage of funds for that purpose.

Among the actions was one aimed at the coverage of certain non-union officials under the NMU Officers Pension Plan. The Union has pension plans covering all its employees. Most of them are covered by the pension plan of the various unions representing the Union's employees. But some of our employees are not covered by Union contracts. This includes department heads and other executive employees who work under individual contracts with the Union.

In this action, lawyers representing the dissidents filed a suit to strip these employees of the pension protection which was part of their agreement with NMU. It was nothing but a spite move. The dissidents were falling in their attack on your officers. So they took out their spite on these employees, who had given years of faithful service to NMU, some as many as 25 years. Perhaps the dissidents also thought they could scare these employees and thus deny the Union their talents. It did not work.

There was no question that the inclusion of these players in the Officers Plan had been properly asked on. But the dissidents' lawyers found a technicality on which they hoped to make a case. They found that non-union was not specifically mentioned in one section of the Constitution even though they were in others. It was a matter of words, at best, not of the meaning or intent of the particular section. But the technical question of a couple of words was to be the basis for stripping these employees of their years of earned pension rights.

The case was so flimsy it seemed they had thrown it in only for its nuisance value. Yet a judge ruled that the technicality was enough to require the Union to violate its agreement with these employees and strip them of their pensions. The judge ordered all pension benefits now being paid to those employees already retired or to dependents be stopped and all funds in reserve for the pensions of other of these employees be refunded to the Union.

We decided that this, too, was something that our membership should have the chance to express itself on. The Union, as an employer, was being ordered to renege on some of its solemn commitments. The hard-earned security of our employees was being jeopardized by this decision.

These are not matters we take lightly. The National Council was called for a special session for the following week. The one item before them was the question of action to restore these pensions of employees of the Union.

The Council approved Constitutional amendments to correct the technicality on which the court based its drastic order. A fifteen-day referendum under supervision of the Honest Ballot Association was set. The referendum took place in May, 1968. The dissidents took the issue as a full-fledged anti-administration issue. Although it was only a short time after the election, they put on another high-powered campaign which must have cost considerable money, urging the membership to vote "no" and thus deny these employees their pension.

The Union was happy they took this forthright stand. It made it another clear test of membership sentiment. The membership came through. In spite of all the devices used by the opposition to distort the question and confuse the membership, the vote was better than two to one in favor of the amendments.

The results were reported to the court in connection with a petition by our counsel for reargument. The judge as of this writing was non-committal. That case is still before the court.

However, there the referendum left no question about where our membership stood. On that basis, as soon as the results were in, we took steps to see that the plan resumed regular payments to the retired employees entitled to benefits.

The dissidents now know where the membership stands. They know the Union will legally fulfill its commitments to the affected employees one way or another, whatever the court may rule. But they are continuing to fight the case in court. Where the membership stands doesn't count with them as long as there is a chance they can upset the membership in court. And these are the people who call themselves some kind of committee for democracy!

The main point here is that there was a time when courts and government officials would give the weightiest consideration on questions like this to what the membership of a Union wanted. This court had a slight inclination to begin with but it ruled our arrangement out on a technicality.

It is not just this court and this judge unfortunately. This is a trend. Our whole experience in the courts—this controversy being it out. Many other organizations have had similar experiences. And there will be more.

Whether it can be said that Landrum-Griffin is responsible or whether Landrum-Griffin is only a symptom of a larger sickness in our society, we can't say and it does not matter. Landrum-Griffin is the law on the books. It is the monstrosity that has opened the door to the attacks and abuses recorded here. That is the challenge we must face.

THE ROLE OF THE PRESS

This record of the Landrum-Griffin attack against NMU—this—can be complete without a review of the role of the press.

It is our considered opinion that, taken as a whole, the performance of the press in covering this part of NMU's history was a national disgrace. Everything we say does not apply to every story, every newspaper, or media or every newsmen or editor. But, considering the panorama as a whole, we feel we have a right to say that it was, as far as a public should be an insult to a free press.

We know something about the responsibilities and the pressures of the people who cover the news. We know—as an important news agency active in many fields, with many enemies—that NMU is going to get some stories we won't like. That's to be expected.

But we also have a right to expect newsmen to make an effort to get the picture honestly, to get both sides and to provide some kind of balance in their stories on a long drawn-out controversy.

A situation like this Landrum-Griffin attack certainly is new, but, best, isn't going to produce the kind of publicity any Union can handle. We had an unprincipled, foul-mouthed gang, ready to make any wild charge against the Union. Such charges against us as are only to get into the papers.

The group was not concerned about what damage they might do to the Union. They certainly were not interested in getting correct value on their alleged grievances. They wanted headlines. And ever Landrum-Griffin got encouraged them to go after more.

That's where the press should demonstrate some responsibility in an extended affair like this Landrum-Griffin action they should try to present a balanced picture.

During the same time, our Union had many major battles to fight—life-or-death issues affecting our members—such as the battle for a 40-hour work week, a better marine program, contract negotiations, development of our training programs, organizing and many others.

But looking back over the record of these years as carried in the press, all the vital positive work of the Union has been overshadowed by the complications of this Landrum-Griffin situation. The general impression is of an organization torn with turmoil, completely involved in a battle within its ranks.

As you, the representatives of the NMU membership here in Convention assembled know, such a picture is a lie. NMU has never been stronger, our membership has never been more solidly united. The so-called dissidents have tried everything and they have failed at their first time and time again, repudiated by an NMU membership that knows the score and is firm about the course it wants our Union to take. It can truly be said that the only victories won by this crew of vandals have been in the press.

We do not intend to document here all the journalistic misdeeds that were inflicted on our organization. If historians want to get the story straight—and we think that is important for the sake of history—we have the material in our files to show how unbalanced, distorted and irresponsible a job was done by most of the press—including some of our most eminent news media.

Many eminent journals had a part in this too by the way. All of all was done by the New York Times. The coverage in that paper was so consistently bad and so viciously unfair to NMU that the people responsible must be one can't help but suspect either crooked or sick in the head. The Times often has been far off course in its treatment of our organization in the past and they have often been far off course about the

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U.S. merchant marine. But never have they been so far off, so consistently and shown such deliberate malice as in their treatment of NMU during this long period.

It started in the Times long before the 1966 elections when that paper proclaimed — on the basis of a obscure candidate whose nominating petitions had not yet been processed — that Curran was "facing the first major threat of his career". The Times went on from there over the years with elaborate coverage of the most irresponsible mouthings and haywire actions of dissidents. Almost anything that could make it look like NMU was in trouble was news in the Times, it seemed.

And then came the elections this year. This was the showdown. This was where that "major threat" that the Times had been working so hard to build up over the years was going to be realized. And, of course, as we know the election results demonstrated beyond question that the only threat was in the mind of The New York Times and other papers.

With the election results in, did the Times try to set the record straight? Far from it. Their story of the election results focused not on the powerful expression of unity by the NMU membership; it concentrated on the defeated dissidents' description of the NMU election as "a farce." Here was the result of 60 days of voting supervised in every port and in every phase by the U.S. Dept. of Labor as well as by the Honest Ballot Association and The New York Times gave careful attention to that kind of comment.

The straightforward statement of the elected NMU officials about unity and about the job that now faced the Union was ignored completely. Instead, full coverage was given to an incompetent meaningless "analysis" of the voting by defeated candidates.

By actual measure, three-fourths of the Times' story on the announcement of the results of the NMU election was devoted to the useless and entirely self-serving complaints of the leaders of the defeated slate. After the distorted picture of the situation which the Times had carried month after month, this was irresponsible journalism at its worst!

And to cap it all, that New York Times story did not even mention the fact that the U.S. Department of Labor supervised the entire election. Furthermore, when the U.S. Department of Labor, several weeks later certified the election results and the U.S. judge who had initially ordered the election officially accepted them thus bringing to a close the long, dirty, disruptive effort to upset the 1966 elections — the New York Times did not even note that fact.

Over that long period, we did what we could to set the Times straight. We wrote to their editors and met with them. We explained our grievances at great length and made all the facts available to them. We thought we showed how far from the facts their stories went; how much imbalance and outright lies they displayed. Whatever success we may have had was a long time coming.

We don't know how long or how far the Times and other news will go, in distorting the record of this part of NMU history. It well may be that in the course of this Convention there will be other examples. After all, there are sources ready to supply irresponsible charges against NMU for any reporter who wants to use them. On the other hand there is always the possibility that the papers may make some effort to set the record straight.

We believe the press ought to consider the elements involved. It has been established that these so-called dissidents speak for nobody but themselves. We are the elected leadership of this organization, speaking for thousands of members. We should not and don't intend to let ourselves be put in the position of denying every mischievous irresponsible charge that is made.

At the same time we have a right to expect that the press will insist on some substance before they give the charges publicity.

One thing which has been clearly established in all the years our Union has been working and fighting on behalf of its members, is that the press did not make our Union and the press cannot break it.

In this controversy, the membership again demonstrated beyond any question that it will not be confused or misled by lies, distortions and attacks against our organization carried in the press. It is to the membership, and the membership alone, that we must answer. As long as the membership is not confused, our Union has nothing to fear.

But it would be foolish to pretend that we don't care about abuses of the press or that we are not affected by them. For one thing, the fact that people who represent nobody but themselves can get such elaborate coverage of irresponsible statements and haywire actions certainly helps get such things started. It encourages hostile elements outside to sponsor such groups and finance their activities. Anything that will weaken, obstruct and damage the Union serves their purposes.

The New York Times is generally regarded as "the journal of record" and people in positions of power and influence tend to take what it says as the final word. It is unfortunate that once something appears in the Times most people take it as fact unless and until proven otherwise.

The most important factor in the strength and effectiveness of a Union is the support by the membership of the Union leadership. For that reason, and only for that reason, we can say the Times has not been able to damage our effectiveness in the real battles.

But we have to be concerned about the record. The place of our Union in the history of these times should be fairly presented. We believe that the younger generation of today and future generations should know what NMU did and understand what our Union stood for. It is something they ought to know. NMU has been an important, powerful, positive influence in

these times and the fact that we have a noisy handful of dissidents does not change any of the facts.

Our organization has a responsibility to do what it can to straighten out the record of this controversy. This is something we will have to consider over the long haul and act on to the extent that pressure of current battles for the membership will allow.

We must also think of how our whole communications operation should be geared to assure that our membership, including the youngsters coming into the ranks of NMU can best be encouraged to know the Union, to understand its objectives, to be concerned about its strength and effectiveness and so be willing to undertake the many responsibilities, big and little, which are necessary to keep the Union operating and to keep it moving ahead on a true course.

WHAT IT MEANS TO THE LABOR MOVEMENT

How can it happen, one may well ask, that a group like this could carry on so long, and the Union so much, interfere with its most important Union work? Does it mean these people are particularly clever or particularly tough?

The answer would have to be, no. They have had no special support from various outside sources, that seems clear. They have been scrupulous in their tactics and their objectives. They have been an obstacle of every opportunity when the Union's attention was directed toward the Union has faced far more formidable forces in the past. It is interesting to consider just what the relationship is.

The Maritime Club and the Five Pointers were the two groups which moved against the Union in its infancy with the same financial support with the objective of wrecking the NMU. They were the first and they did succeed.

There were the Communists. There could not be any better organized, more ruthless, better trained enemy than the Communists. They had gotten a powerful hold on the Union in the early years. And when we moved to break that hold, they fought like tigers to hold it. They used orders and their support coming from the National Communist Party and the Kremlin itself. We defeated them after a long and hard battle and then we had to beat all the splinter group hawks and their henchmen who tried to move in to take their place.

In many ways, the current campaign is a continuation of the old attacks on NMU. We said at one of our Conventions back in the early days that as long as the NMU kept moving forward we were going to have enemies; somebody was going to try to stop us or destroy our influence. That has been proven true over the years.

In the case of the Maritime Club and the Five Pointers, it was the groups who backed the attack. The Communists, of course, went out to use the Union for the Kremlin's purposes. There have been other politicians, gangsters, corrupt lawyers, opportunists of every description have at one time or another tried to get their hooks into NMU or to damage the Union in some way. And, of course, there is a hostile union group which has any problems for NMU are good for them.

Any of these groups may be involved in the present operation. It probably is a combination of several of them. We know that the official Communist Party publication — formerly The Daily Worker, now the Daily World — said in its August 18, 1966 issue, in an article, "Hitting the president of NMU," that "Communist seamen and Communist workers have been among the opposition" and the article went on to talk of the "potential force of this anti-Curran coalition".

We have also had statements in the propaganda of these so-called dissidents indicating that they are working for insurance interests anxious to get hold of the NMU Pension Plan reserves. They have also proposed that the Pension Plan be turned over to operation by a mutual company rather than the self-insured non-profit plan we have.

Yes, the NMU Pension Trust is big game — about \$100-million and growing. Our Pension Trust is big because it is sound, it is run honestly and intelligently and is managed with only one objective — to give maximum protection to the NMU members it was designed to protect. It will be a sad day if professional dissidents can ever get their hands on this program.

We know also some of the lawyers who are working for the dissidents. One, at least, makes a profession of this kind of thing. Just as there are tax experts who specialize in helping people to cheat "legally" on their tax returns. And there are Landrum-Griffin experts who specialize in helping people destroy Unions "legally" under that law.

In our past battles, tough and ruthless as they were, we might say there was a point at which they had to accept the decision of the membership. In an election, or a referendum or a convention, the law was taken into a head: the membership would take its stand and that was it.

This time we have been through many such showdowns. The election was the key test of course. The referendum on November 1966 was another. The ratification of the deep sea contract was also a test and a win by these people. Even the dues increase referendum was won by the Union on a pro- or anti-Administration basis and they lost.

In every case, I am proud to say, the membership came through overwhelmingly on the side of sound trade unionism. But still, with Landrum-Griffin at their side, with strangely receptive courts and press, they must just cook up another case.

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And as long as a law like Landrum-Griffin is on the books, such forces are going to be encouraged to continue their disruption. Apparently, anything that gives the appearance of uncertainty or disunity within the Union, serves their purpose.

NMU could afford to be easy going about this now. After all, NMU has undergone its ordeal by Landrum-Griffin and, thanks to the good sense and solidarity of our members, NMU has come through every test stronger than before.

Certainly we have far less than other organizations to worry about. But the labor movement has reason to worry with such a law on the books. American democracy, which cannot exist without strong free labor movement, has reason to worry.

And for that reason I believe that our Union must make the repeal of Landrum-Griffin a key objective, along with our battle for a positive merchant marine policy.

We must prod the labor movement into action. Unfortunately, there are organizations which are not concerned about any threats unless they are directed at them—And even then, not until the gun is cocked and aimed right at their stomach.

AFL-CIO has a responsibility to rally all its affiliates and make this a prime issue. That is the only way this labor movement can be true to its responsibility.

THE BATTLE FOR A POSITIVE MARITIME POLICY

At our Convention three years ago, in this hall, we declared that the crisis in government maritime policy was the major challenge before us. Unless an adequate long-range program soon was undertaken, we declared the security of the country would be in peril. We pointed out that the crisis was created by years of government incompetence, public indifference and deliberate sabotage by greedy U.S. and foreign shipping interests.

Since that time NMU has devoted the greatest possible share of our organization's resources and energies—whatever was not essential at any time to vital immediate tasks of the Union—to the fight for a positive national maritime policy.

We can report some impressive specific accomplishments in the course of the battle. We can report an extremely important advance in the unifying of maritime labor. But we regret to report—as far as any significant advance in U.S. policy or in construction of U.S. ships or in getting more U.S. cargoes for U.S. ships are concerned—that there have been three lost years.

In these three years, the U.S. merchant marine has just gotten that much older and considerably smaller. Meanwhile, the merchant marine of the Soviet Union has forged that much farther ahead and is now leaving the United States very definitely in its wake.

The most hopeful item we can report at this time is that the present Administration made firm commitments to the rebuilding of the U.S. merchant marine during the campaign last year and has reaffirmed these intentions since that time. The president of your Union has discussed the matter face-to-face with President Nixon at the White House and we were assured that the program was being developed. Furthermore, the President assured us that maritime labor would be consulted before his program was finalized.

At the time of writing this report, however, there were still no solid indications of the promised program. So there is no basis on which anybody can relax.

The maritime industry had been promised a program by the previous Administration, too—no early as 1946. None was produced. But at this time we judge prospects to be brighter for a number of reasons which will be indicated in the course of the report.

Even after the program is announced it will be some time before it becomes reality. So we must deal with the situation as it now exists. We must consider new ideas, new tactics to intensify our efforts to make the Administration, the Congress and the American people aware of the peril which faces the country because of our maritime weakness.

You will find the basic facts and figures about the size of our merchant marine and job figures in this report in the section on the AFL-CIO Maritime Committee. We will note only a few essential facts here. The United

States had sunk from the world's mightiest maritime power at the end of World War II—a position we were forced to achieve to save this country and our Allies in that crisis—to sixth rank among the merchant marines of the world today.

In tonnage, we trail Liberia, Great Britain, Norway, Japan and the Soviet Union. The Soviets, in the official statistics, are still officially behind us in tonnage but the unofficial intelligence—and that's what we have to go by where the Soviets are concerned—leaves no doubt that they are at least 25% bigger than the statistics they give out.

But the relative size of our fleet, bad as it is, is the least of our worries. In terms of quality, taken as a whole we are a lot farther behind; behind

There has been a wave of disruption and demoralization in our society, usually attributed to something called the "generation gap". It may be something much simpler. In the labor movement and in most other segments of our society, the problem is not so much a "generation gap", it is a gap in our principles.

The laggard attitude of organized labor to Landrum-Griffin is a good example of this gap in our principles as it applies to the labor movement. This is a bad law; a dangerous law; a law that puts powers close to those of the Gestapo and the NKVD in the hands of government officials.

The labor movement is on the record as opposed to its excesses. But it has been a low-priority issue, where it should have been the big burning issue over the past several years. For most Unions, they have not been concerned unless and until they themselves become objects of attack.

NMU acted on principle in opposing Landrum-Griffin from the beginning. We were firm in our opposition all the way. Which may be the reason we were the first to be attacked and have continuously been attacked ever since.

I hope this Convention will reaffirm our unqualified opposition to this law, the position our organization has held and fortify it by endorsing from the beginning. Although it was not strong enough to beat Landrum-Griffin, a legislative monstrosity, a threat to our democracy. As maritime trade unionists, NMU should continue leading the fight against it.

the Soviets and most of the rest of the maritime nations, have and make in this respect we are almost at the end of the trail as a maritime power.

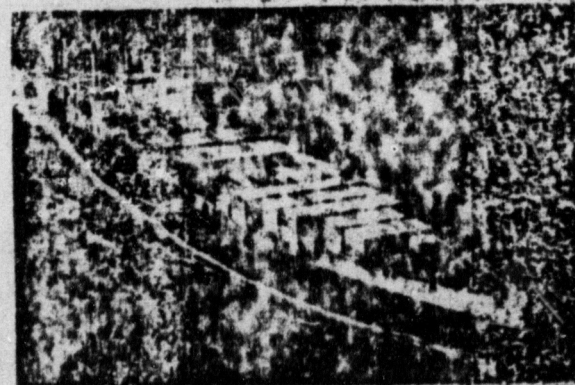
More than three-quarters of our current fleet is 20 years or more old. In less than two years, the proportion of such rustbuckets will rise to 87%. Ships that old—in view of technological developments, which vastly increase the productivity of modern ships—are at a severe disadvantage. Certainly they can't be relied on for the jobs that ships will have to do in any military emergencies.

Our World War II rustbuckets managed to get through the Atlantic conflict only through the blood, sweat, guts and ingenuity of the American maritime industry, mainly maritime workers on ship and shore. The country would have been in one half of a mess if Russia had taken on a second front in these years.

THE SOVIET CHALLENGE

Compare our decrepit rustbucket fleet with that of the Soviet Union. They had almost nothing at all at the end of World War II, except such ships as we lent them during the war. They did not start to construct or merchant shipping until the 1940's. They have increased the size of their merchant fleet six times over since then and they plan to double it again in the next five years. This Soviet merchant fleet, probably older, larger than ours, has 87% of its ships less than ten years old. And the Soviets are ordering new ships by the hundred each year, while we plan by the dozen.

If our country continues at anything like the present pace, we are sunk. There can be little comfort for any American in our triumph in the moon, if we cannot provide for ourselves on the sea. This nation is not going to be able to do any trading with the moon. We won't be able to get from the moon the tremendous amounts of raw materials which American industry now must import.



The SS American Legion is One of the Fast, Highly Productive Cargo Ships Which Are Revolutionizing the Maritime Industry

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AFFIDAVIT - CORROBORATION

Court of the City of New York

Part AR1, County of NY

STATE OF NEW YORK

COUNTY OF NY

ss.:

Ptl. Gerald Tuciarone # 4174

6th Pct.

of No.

in the County of

City of New York

being duly sworn, says that he has read the annexed affidavit of Jame Nimmo

National Maritime Union 36 7th Ave.

and that the acts therein stated to be on information furnished by deponent are true of deponent's own knowledge.

Sworn to before me

July 13, 1971

Judge

[Signature]

Pending Leaves: (see R & P 14/260)

Vacation

Other Leave:

B16831

Plaintiff's Exhibit 11

750E

Reprinted at Page 753E as Part of Exhibit 12

Plaintiff's Exhibit 11

751E

Reprinted at Page 758E as Part of Exhibit 12

752 E

Form 100-1000-429003(70)

NOTICE OF APPEARANCE
TO CLERK

Criminal Court of the City of New York

Part County of

THE PEOPLE OF THE STATE OF NEW YORK
OF THE COMPLAINT OF

To the Clerk

Sir:

You are hereby notified that I have been retained by the defendant

or by

Name of Person

of

Address

in the above entitled action.

Dated

13 19 71

M. VINCENT
Attorney for Defendant (Print Name)

Address

Am

B

(Signature)

754F

PRINT ALL INFORMATION

This information is required for Court Division warrant officers and for the preparation of Wanted cards. In case this defendant fails to appear in court at a later date and a warrant is issued you will be notified.

Defendant's Name: Belg. J. M. A. J. M.
 Arresting Officer: St. 4573
 Tax Registry No.: 1836
 Arrest No.: 1836
 Date of Arrest: 7/11/41
 Def. Last Name: Belg.
 First Name: J. M.
 Address: Belg. J. M. A. J. M.
 Borough: Bx
 Res. Pct.: 100
 Date of Birth: 7/11/41
 Sex: M
 Race: W
 A-Number: 1836
 N.Y.S.I.S. Number: 1836
 Social Security Number: 1836
 Auto Reg. No.: 1836
 Make: 1836
 Year: 1836
 Drivers License No.: 1836
 Employer's Name: 1836
 Business Address: 1836
 Attorney: 1836
 Address of Attorney: 1836
 Charge: 1836
 Docket Number: 1836
 Location Of Offense: 1836
 Misc. 488

755E

DISTRICT A, NORLEY'S OFFICE
APPEARANCE CONTROL PROJECT

CONFIDENTIAL - NO DISCLOSURE TO THE PUBLIC

1. NAME: _____
Please print all information requested.
Information you supply on this sheet will
be used confidentially by the District
Attorney's Office.

2. OCCUPATION: _____

3. RESIDENCE: _____

4. BUSINESS: _____

5. HOME ADDRESS: _____

6. BUSINESS ADDRESS: _____

7. PHONE NUMBER: _____

8. LIST THE HOURS OF THE DAY THAT YOU WORK:

Monday _____ Tuesday _____ Wednesday _____

Thursday _____ Friday _____

9. HOME PHONE NUMBER: _____

10. BUSINESS PHONE NUMBER: _____

11. NAME OF RELATIVE, FRIEND OR NEIGHBOR WHO WILL BE ABLE TO REACH YOU:

12. ADDRESS OF RELATIVE, FRIEND OR NEIGHBOR: _____

13. PHONE NUMBER OF RELATIVE, FRIEND OR NEIGHBOR: _____

14. SIGNATURE: _____

15. DATE: _____

16. TIME: _____

17. SIGNATURE OF DISTRICT ATTORNEY: _____

18. DATE: _____

19. TIME: _____

20. SIGNATURE OF DISTRICT ATTORNEY: _____

21. DATE: _____

22. TIME: _____

23. SIGNATURE OF DISTRICT ATTORNEY: _____

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26. SIGNATURE OF DISTRICT ATTORNEY: _____

27. DATE: _____

28. TIME: _____

29. SIGNATURE OF DISTRICT ATTORNEY: _____

30. DATE: _____

31. TIME: _____

32. SIGNATURE OF DISTRICT ATTORNEY: _____

33. DATE: _____

34. TIME: _____

DESK SUBJECT'S APPEARANCE UNCHG.

You are not a ...

Direct on the 15th

for violation of 12-141-2, 1-1-6

REG. FILE NO. 100-100000

ИТОГ:

Should you fail to appear for the offense charged above, in addition to a warrant being issued for your arrest, you may be charged with an additional violation of the Penal Law which upon conviction may subject you to imprisonment for both.

The undersigned do hereby acknowledge receipt of the above summons, and

1940

Criminal Court of the City of New York

County of _____

COUNTY OF ... NY.

Feb 20

1916

1944

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[illegible]

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<p>1973</p> <p>1974</p> <p>1975</p> <p>1976</p> <p>1977</p> <p>1978</p> <p>1979</p> <p>1980</p> <p>1981</p> <p>1982</p> <p>1983</p> <p>1984</p> <p>1985</p> <p>1986</p> <p>1987</p> <p>1988</p> <p>1989</p> <p>1990</p> <p>1991</p> <p>1992</p> <p>1993</p> <p>1994</p> <p>1995</p> <p>1996</p> <p>1997</p> <p>1998</p> <p>1999</p> <p>2000</p> <p>2001</p> <p>2002</p> <p>2003</p> <p>2004</p> <p>2005</p> <p>2006</p> <p>2007</p> <p>2008</p> <p>2009</p> <p>2010</p> <p>2011</p> <p>2012</p> <p>2013</p> <p>2014</p> <p>2015</p> <p>2016</p> <p>2017</p> <p>2018</p> <p>2019</p> <p>2020</p> <p>2021</p> <p>2022</p> <p>2023</p> <p>2024</p> <p>2025</p> <p>2026</p> <p>2027</p> <p>2028</p> <p>2029</p> <p>2030</p> <p>2031</p> <p>2032</p> <p>2033</p> <p>2034</p> <p>2035</p> <p>2036</p> <p>2037</p> <p>2038</p> <p>2039</p> <p>2040</p> <p>2041</p> <p>2042</p> <p>2043</p> <p>2044</p> <p>2045</p> <p>2046</p> <p>2047</p> <p>2048</p> <p>2049</p> <p>2050</p> <p>2051</p> <p>2052</p> <p>2053</p> <p>2054</p> <p>2055</p> <p>2056</p> <p>2057</p> <p>2058</p> <p>2059</p> <p>2060</p> <p>2061</p> <p>2062</p> <p>2063</p> <p>2064</p> <p>2065</p> <p>2066</p> <p>2067</p> <p>2068</p> <p>2069</p> <p>2070</p> <p>2071</p> <p>2072</p> <p>2073</p> <p>2074</p> <p>2075</p> <p>2076</p> <p>2077</p> <p>2078</p> <p>2079</p> <p>2080</p> <p>2081</p> <p>2082</p> <p>2083</p> <p>2084</p> <p>2085</p> <p>2086</p> <p>2087</p> <p>2088</p> <p>2089</p> <p>2090</p> <p>2091</p> <p>2092</p> <p>2093</p> <p>2094</p> <p>2095</p> <p>2096</p> <p>2097</p> <p>2098</p> <p>2099</p> <p>2100</p> <p>2101</p> <p>2102</p> <p>2103</p> <p>2104</p> <p>2105</p> <p>2106</p> <p>2107</p> <p>2108</p> <p>2109</p> <p>2110</p> <p>2111</p> <p>2112</p> <p>2113</p> <p>2114</p> <p>2115</p> <p>2116</p> <p>2117</p> <p>2118</p> <p>2119</p> <p>2120</p> <p>2121</p> <p>2122</p> <p>2123</p> <p>2124</p> <p>2125</p> <p>2126</p> <p>2127</p> <p>2128</p> <p>2129</p> <p>2130</p> <p>2131</p> <p>2132</p> <p>2133</p> <p>2134</p> <p>2135</p> <p>2136</p> <p>2137</p> <p>2138</p> <p>2139</p> <p>2140</p> <p>2141</p> <p>2142</p> <p>2143</p> <p>2144</p> <p>2145</p> <p>2146</p> <p>2147</p> <p>2148</p> <p>2149</p> <p>2150</p> <p>2151</p> <p>2152</p> <p>2153</p> <p>2154</p> <p>2155</p> <p>2156</p> <p>2157</p> <p>2158</p> <p>2159</p> <p>2160</p> <p>2161</p> <p>2162</p> <p>2163</p> <p>2164</p> <p>2165</p> <p>2166</p> <p>2167</p> <p>2168</p> <p>2169</p> <p>2170</p> <p>2171</p> <p>2172</p> <p>2173</p> <p>2174</p> <p>2175</p> <p>2176</p> <p>2177</p> <p>2178</p> <p>2179</p> <p>2180</p> <p>2181</p> <p>2182</p> <p>2183</p> <p>2184</p> <p>2185</p> <p>2186</p> <p>2187</p> <p>2188</p> <p>2189</p> <p>2190</p> <p>2191</p> <p>2192</p> <p>2193</p> <p>2194</p> <p>2195</p> <p>2196</p> <p>2197</p> <p>2198</p> <p>2199</p> <p>2200</p> <p>2201</p> <p>2202</p> <p>2203</p> <p>2204</p> <p>2205</p> <p>2206</p> <p>2207</p> <p>2208</p> <p>2209</p> <p>2210</p> <p>2211</p> <p>2212</p> <p>2213</p> <p>2214</p> <p>2215</p> <p>2216</p> <p>2217</p> <p>2218</p> <p>2219</p> <p>2220</p> <p>2221</p> <p>2222</p> <p>2223</p> <p>2224</p> <p>2225</p> <p>2226</p> <p>2227</p> <p>2228</p> <p>2229</p> <p>2230</p> <p>2231</p> <p>2232</p> <p>2233</p> <p>2234</p> <p>2235</p> <p>2236</p> <p>2237</p> <p>2238</p> <p>2239</p> <p>2240</p> <p>2241</p> <p>2242</p> <p>2243</p> <p>2244</p> <p>2245</p> <p>2246</p> <p>2247</p> <p>2248</p> <p>2249</p> <p>2250</p> <p>2251</p> <p>2252</p> <p>2253</p> <p>2254</p> <p>2255</p> <p>2256</p> <p>2257</p> <p>2258</p> <p>2259</p> <p>2260</p> <p>2261</p> <p>2262</p> <p>2263</p> <p>2264</p> <p>2265</p> <p>2266</p> <p>2267</p> <p>2268</p> <p>2269</p> <p>2270</p> <p>2271</p> <p>2272</p> <p>2273</p> <p>2274</p> <p>2275</p> <p>2276</p> <p>2277</p> <p>2278</p> <p>2279</p> <p>2280</p> <p>2281</p> <p>2282</p> <p>2283</p> <p>2284</p> <p>2285</p> <p>2286</p> <p>2287</p> <p>2288</p> <p>2289</p> <p>2290</p> <p>2291</p> <p>2292</p> <p>2293</p> <p>2294</p> <p>2295</p> <p>2296</p> <p>2297</p> <p>2298</p> <p>2299</p> <p>2300</p> <p>2301</p> <p>2302</p> <p>2303</p> <p>2304</p> <p>2305</p> <p>2306</p> <p>2307</p> <p>2308</p> <p>2309</p> <p>2310</p> <p>2311</p> <p>2312</p> <p>2313</p> <p>2314</p> <p>2315</p> <p>2316</p> <p>2317</p> <p>2318</p> <p>2319</p> <p>2320</p> <p>2321</p> <p>2322</p> <p>2323</p> <p>2324</p> <p>2325</p> <p>2326</p> <p>2327</p> <p>2328</p> <p>2329</p> <p>2330</p> <p>2331</p> <p>2332</p> <p>2333</p> <p>2334</p> <p>2335</p> <p>2336</p> <p>2337</p> <p>2338</p> <p>2339</p> <p>2340</p> <p>2341</p> <p>2342</p> <p>2343</p> <p>2344</p> <p>2345</p> <p>2346</p> <p>2347</p> <p>2348</p> <p>2349</p> <p>2350</p> <p>2351</p> <p>2352</p> <p>2353</p> <p>2354</p> <p>2355</p> <p>2356</p> <p>2357</p> <p>2358</p> <p>2359</p> <p>2360</p> <p>2361</p> <p>2362</p> <p>2363</p> <p>2364</p> <p>2365</p> <p>2366</p> <p>2367</p> <p>2368</p> <p>2369</p> <p>2370</p> <p>2371</p> <p>2372</p> <p>2373</p> <p>2374</p> <p>2375</p> <p>2376</p> <p>2377</p> <p>2378</p> <p>2379</p> <p>2380</p> <p>23</p>

Plaintiff's Exhibit 12

761E

Same as Page 758E

AN OPEN LETTER TO JOSEPH CURRAN

SCARED OF NEW BUSINESS

... Your machine spent a full month rigging the June 28th New York membership meeting. You hired gang bosses to roundup your motley crew of hoodlums at \$30 per day. You couldn't hire enough local punks so you imported additional links from the outports. You organized an army of bodyguards to protect yourself from the membership. You ordered a lot of food from up and down the Eastern seaboard.

14 Your entire multi-million dollar machine was all revved up for 30
15 days to pack this meeting. Will you wouldn't permit the membership to
16 speak under New Business. What in the hell are you scared of, Joe? You
17 can't you let the membership speak up? You know, Joe, this country was
18 founded by people who believed that rule must be through the consent
19 of the governed. The taxation (thus payment) requires representation.
20 Joe, this is the Bill is a dictatorship.

We'll tell you one. You're scared and you're all shook up because you have no answer to the seamen's problems of jobs and pension security. We're making over 3 million a year, you're taking \$103,000 a year plus unlimited expenses from us. In return, you're driving 11,400 unemployed Greek seamen into the poorhouse. And you don't give a damn.

What happened at the meeting Joe? When we asked for New Business, to the first point on the agenda, you said that our amendment was deleted 102 to 132. Didn't you see that was a phony count Joe? When we started a recount with double counters, the vote changed miraculously 99 to 100 and even that was a dishonest tally.

There were over 1,000 people at the meeting and how come only half voted when they had to raise their hands? Were the other half just there who didn't you belong to the NNU?

"I DON'T CARE!"

[illegible][illegible][illegible]

763E

WHAT'S GOOD FOR THE GOOSE.

While we're talking about severance pay, Joe, we would have a resolution since you said we out by doing away with our severance pay. We'd do the same for you. You know that old American saying, "What's good for the goose is good for the gander." But you stage-managed the whole operation so we couldn't bring any resolutions on the floor.

To get back to the main problem of jobs, at one point you said that the shipping rule would be "suicide for your union," at another time you said, "It's a good idea but this isn't the time to get it on Joe, get your head together."

You kept telling the membership, "The way to go about this is to get the vote we are doing it." What in the hell are you doing? At the time you're losing our jobs, 4,000 jobs less per year, you're telling us to go about it from now. Maybe you're bragging about your leadership, but he was dumping all his passengers overboard.

You can hire a man to ship for you Joe. You can hire a man to ship for you Joe, but you don't have a program for the future. We want more ships, we want two crews per ship, we want an annual wage. If we believed your BS, we'd have a ship and now you're big on promises. We get the same old BS every negotiation, but we never get it. You say, "I don't know, don't you Joe?"

BUSES TO WASHINGTON

You're asking what we'd do. We'll tell you what. Instead of having a leadership paid attorney to membership meetings in order to live on the sidelines, we'd head for Washington. We'd get together with all maritime unions and fill up 30 or 50 buses with people. We'd demonstrate peacefully on the White House lawn, on the steps of Congress, State Department and the Maritime Administration. We'd get our message across very, very loud on the nationwide news. The American people would then know our problem. We have 5% unemployment, 10% of the population is unemployed, we need work and a living wage.

You can't talk about "unity," Joe. Don't you realize that you would unite American seamen as thoroughly as united, mass action in the responsibility on Washington to save our ships at a time when the maritime nation is subsidizing its merchant fleet?

You see Joe, we need jobs now. We've got to work, ship and land. We don't have million dollar bank accounts, we don't have yachts, we don't have mansions nor upstate cottages. We depend on our jobs and we need them now, not in the sky after we have who are paid that share the work revolution? To our union, we need to support their families.

Now you can't afford to let the membership trust the leadership. You have no answers to our problems and you know it.

NMU GETS TWO VOTES

Now you can't afford to let the membership trust the leadership. You have no answers to our problems and you know it. You can't afford to let the membership trust the leadership. You have no answers to our problems and you know it. You can't afford to let the membership trust the leadership. You have no answers to our problems and you know it.

You can't afford to let the membership trust the leadership. You have no answers to our problems and you know it. You can't afford to let the membership trust the leadership. You have no answers to our problems and you know it.

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You can't afford to let the membership trust the leadership. You have no answers to our problems and you know it. You can't afford to let the membership trust the leadership. You have no answers to our problems and you know it.

Plaintiff's Exhibit 12

764E

Same as Plaintiff's Exhibit 4

765E

CRIMINAL COURT OF THE CITY OF NEW YORK

Part AR-2 : County of New York

- - - - -X

People of the State of New York :

- against - :

James Morrissey, :

Defendant :

- - - - -X

July 13, 1971

100 Centre Street
New York, New York

B e f o r e :

Hon. Peter J. Mc Quillan

A p p e a r a n c e s :

John Patten, Esq.
Asst. Dist. Atty.
New York County
for the People

Melvin Wulf & Paul Chevigne
156 Fifth Avenue
New York, New York

By: Paul Chevigne, Esq.
for the Defendant

Court Officer
Richard Olinik

Court Reporter
Anthony Lackatas

COURT OFFICER: Docket Number B 16831, James Morrissey, charged with Criminal Trespass and Disorderly Conduct. On the complaint of James Neamo (phonetics). Corroborating affidavit by Patrolman Cuccione (phonetics), Sixth Precinct.

Raise your right hand. Officer, do you swear that the statements you signed in your affidavit are true, and, Mr. Neamo, raise your right hand. Do you swear that the statements you signed in your affidavit are true?

THE OFFICER: Yes.

THE COMPLAINANT: Yes.

COURT OFFICER: The defendant is represented by Melvin L. Wulf, American Civil Liberties Union, 156 Fifth Avenue, New York City.

MR. CHEVIGNE: By Paul Chevigne appearing for Mr. Wulf.

COURT OFFICER: Waive the public reading?

MR. CHEVIGNE: Yes.

THE COURT: Yes, sir?

MR. CHEVIGNE: Your Honor, with respect to the disorderly conduct charge which faintly

appears on the bottom of my copy here, this doesn't charge disorderly conduct either in intent to cause public inconvenience, annoyance, or alarm, or recklessly incurring a risk thereof. It does not appear on this complaint. I therefore move to dismiss it. It says this gentleman was distributing literature in violation of a regulation of the American Maritime Union, which has nothing to do with public inconvenience or alarm, and cannot be charged with recklessly creating a risk thereof. Therefore, I move to dismiss the charges.

MR. PATTEN: May the People have time to answer that?

THE COURT: Yes, I would agree with counsel. Would you approach the bench with the District Attorney?

(Discussion off the record)

MR. PATTEN: Application was made by defense counsel as to disorderly conduct. I looked at the section and I am not opposed to application made by the defense counsel insofar as that this was done inside a building and not in a public place as

far as the streets of the City of New York. That leaves a remaining charge of criminal trespass in the second degree.

THE COURT: Defendant's motion to dismiss the count of disorderly conduct is granted. The sole surviving count charges criminal trespass in the second degree, is that right?

MR. CHEVIGNE: That's correct.

MR. PATTEN: That's correct, Your Honor, 140.10. 140.10 is the third degree. The form used in the complaint reads second degree. That should read criminal trespass, third degree, 140.10.

THE COURT: The People have any objection to amend the information to include criminal trespass, third degree?

MR. PATTEN: No.

MR. CHEVIGNE: I have no objection. I understand that to be a violation.

THE COURT: No, it's a Class B Misdemeanor.

MR. MC INERNEY: Arthur A. Mc Inerney. We would request a preliminary hearing.

THE COURT: Excuse me. Now, on a

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preliminary hearing, does the defendant, if held, request a trial by three judges of this court?

MR. MC INERNEY: Yes, Your Honor, but I would like, for the record, to make a motion to dismiss the charge of criminal trespass in whatever degree based on the fact that Mr. Morrissey is a dues-paying member of the Maritime Union, and the charge is frivolous.

THE COURT: That motion, of course, can be made following a preliminary hearing. What date?

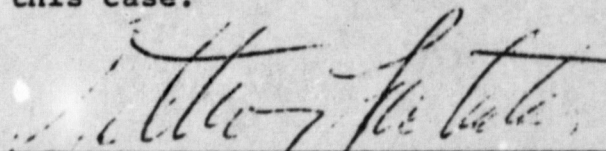
MR. PATTEN: July 20th. It's a Class B Misdemeanor at this point.

THE COURT: Preliminary examination, July 20th. The defendant is paroled.

MR. CHEVIGNE: We do request a three-judge bench.

THE COURT: The case will go to Part MP-1, twelve o'clock noon.

I certify the above is a correct transcript of the minutes taken in this case.



Anthony Lackatas.
Court Reporter

777F

008784

PRISONER'S SURNAME		FIRST		INITIALS		PCT. NO.		ARREST NO.	
Wishart		James		Morisset		James		6-183C	
ADDRESS		APT./FLOR.		DATE OF ARREST		TIME			
2621 Blnkiss Ave		17L BY		7/1/71		1330			
ALIAS/NICKNAME		MOTHER'S MAIDEN NAME		DATE OF BIRTH		AGE		SEX	
		Decease		10/5/16		M		SS	
PLACE OF BIRTH (City or Town, State or Country)		SOCIAL SECURITY NO.		<input type="checkbox"/> MARRIED		<input type="checkbox"/> SINGLE			
Bridgeport, Conn.		047-07-0791							
OCCUPATION		WHERE EMPLOYED (Company and Address)		<input type="checkbox"/> NON-CITY RESIDENT		<input type="checkbox"/> RESIDES IN		PCT. SECTOR	
Seaman		TRANS. Amer. Trailer Term. SE				180			
OCCURRENCE DATE		TIME		PLACE		INSIDE		<input type="checkbox"/> OUTSIDE	
7/1/71		1330		36 Ave					
COMPLAINANT'S NAME AND ADDRESS		TELEPHONE NO.							
James Nimmo		36 Ave		WAY-3900					
LICENSES/PERMITS/IDENTIFICATION CARDS (Enter Type, Serial Number and Disposition)									
U.S. Merchant Mariner's Document									
CHARGES AND SPECIFIC OFFENSES (LIST 1, 2, 3, ETC.) <input type="checkbox"/> PICK-UP <input type="checkbox"/> WARRANT <input checked="" type="checkbox"/> COMPLAINT									
P.I. 140.05 - Criminal Trespass 3rd.									
DRUG ADDICT TYPE USES		HOW LONG		AMOUNT USED DAILY		COST			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO									
CAUSE OF ADDICTION		PREVIOUSLY ARRESTED		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		NUMBER OF TIMES		PREVIOUS TREATMENT	
<input type="checkbox"/> MEDICAL <input type="checkbox"/> OTHER		FOR NARCOTICS OFFENSE		<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO				IF YES, DESCRIBE UNDER DETAILS	
TELEPHONE CALLS (Limited to three free calls within N.Y.C.)		NAME OF PERSON CALLED		PURPOSE		TIME			
NUMBER		WH4-742		MACNABNEY		Att.		1340	
FACT LOCATION OF ARREST		PRISONER'S ADDRESS VERIFIED BY: (Rank, Name, Title, etc.)							
36 Ave									

DUPLICATE COPIES REQUIRED FOR:
 PCF's & H.
 1 For ID
 6/2/74
 CITIZEN ☒ ALIEN ☐
 TYPE OF PREMISES (Business, etc.)
 N.Y. Machine 12/2
 PHYSICAL DESCRIPTION
 OTHER (DESCRIBE)

a/c by Comp Special Guard in that
 at time + place of occ. Deft. Did refuse to
 leave premises when told to remain with...

VORA Summary #199
 Scored 10 points

ARRESTING/ASSIGNED OFFICER		TAX REGISTRY NO.		SHIELD		COMMAND		<input type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY		ARRESTED BY (Rank, Name, Title, etc.)	
PH. Luciarone		864593		474		C		<input type="checkbox"/> PLAIN CLOTHES <input type="checkbox"/> UNIFORM		SIGNATURE OF ARRESTING OFFICER	
DISPOSITION OF PRISONER		<input type="checkbox"/> BAIL <input type="checkbox"/> PERSONAL RECOGNIZANCE <input type="checkbox"/> COURT <input type="checkbox"/> OTHER									
DATE		7/13/71									

DO NOT FOLD THIS REPORT

Duplicate Copy Required For:

U.F. 61
File No

42

Details as Reported by Complainant and/or Initial Investigating Officer.
 Ptl. Insurgents July 6th 1971, persons and reports
 Person described below as by sample. (special guard) in that as that
 and place of debt did remain unlawfully on premises after being told to
 leave by sample.
 Vera Sumner #199 issued debt scored 10 points.
 Returnable July 13, 1971
 Refused to court
 Recount that this case be marked closed.

DESCRIPTION OF LOST OR STOLEN PROPERTY—See Appendix G of R. & P.

[illegible]

DESCRIPTION OF PERSONS WANTED, PERSONS ARRESTED--See Appendix G of R. & P.

APR 11 1968
FBI - NEW YORK

RE: JAMES EARL RAY, AKA; ALIEN REGISTRATION NO. 55-50000-1

TO: SAC, NEW YORK (100-100000)

FROM: SAC, CHICAGO (100-100000) (P)

SUBJECT: MURDER OF MARTIN LUTHER KING, JR.; CIVIL RIGHTS; RACIAL MATTERS.

CHICAGO POLICE DEPARTMENT IS CURRENTLY CONDUCTING AN INVESTIGATION INTO THE ACTS OF VIOLENCE AGAINST MARTIN LUTHER KING, JR., AND HAS ADVISED THAT IT HAS BEEN DETERMINED THAT SEVERAL INDIVIDUALS HAVE BEEN IN CONTACT WITH KING, JR., IN THE PRECEDING MONTHS. CHICAGO POLICE DEPARTMENT IS REQUESTING YOUR ASSISTANCE IN IDENTIFYING THESE INDIVIDUALS AND DETERMINING THEIR MOTIVATIONS FOR SUCH ACTIONS.

VERY TRULY YOURS,
JAMES EARL RAY

ENCLOSURE

100-100000-100000

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED
DATE 10-10-2008 BY 60322 UCBAW/SJS

Initial Investigating Officer's Name (Typed)

Initial Investigating Officer's Signature _____

Entries by S.R.S. only.

CRIMINAL COURT
COUNTY OF NEW YORK

----- x
PEOPLE, etc., :
Plaintiff, :
-against- : Index No. B16831/71
JAMES MORRISSEY, :
Defendant. :
----- x

MEMORANDUM OF LAW

Statement of the Case

The National Maritime Union of America is the owner of a building located at 36 Seventh Avenue, New York, New York (between 12th and 13th Streets). The first floor of this building is utilized as a hiring hall for seamen shipping aboard NMU contract vessels. As such, this area of the building is open to members and to non-members registered for shipping. The remaining portion of the building is used for the administrative offices of the National Maritime Union and the NMU Pension and Welfare Plan. The entrance to the hiring hall is located on the 13th Street side of the building. The upper floors of the building overhang this entrance, creating a large protected area. For several years the Union has had a rule prohibiting solicitation and distribution of literature inside the building. A notice to this effect is promin-

ently posted inside the hiring hall and states as follows:

"It is the established policy of the National Maritime Union that only official union publications may be distributed inside the hiring halls or other union offices. No solicitation is permitted inside any union buildings. Any persons attempting to solicit sales or distribute unauthorized literature inside NMU buildings will be asked to discontinue such practice and, in the event they fail to comply with such request, will be required to leave the premises." (Signed) Shannon J. Wall.

In addition, over the years it has been the practice for those seeking to distribute literature to members of the Union, whether such literature pertains to Union matters or otherwise, to distribute this literature at the entrance to the hiring hall on the 13th Street side of the building, outside of the building but inside the Union's property line. The people seeking to distribute literature have been allowed to stand outside the entrance but underneath the overhang previously described.

In the instant case, the defendant, James Morrissey, a member of the Union, has sought to distribute literature inside the building. Despite numerous requests by representatives of the Union and by a police officer to distribute his

literature outside the building in the area that such distribution has always been permitted, Mr. Morrissey refused to do so and insisted upon continuing to distribute his literature inside the building until it was necessary to have him arrested. The question raised by this case is whether such activity on his part constitutes criminal trespass in the third degree.

Discussion

Under the statute, "A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises." "Enter or remain unlawfully" is defined as follows:

"A person 'enters or remains unlawfully' in or upon premises when he is not licensed or privileged to do so. A person who, regardless of his intent, enters or remains in or upon premises which are at the time open to the public does so with license and privilege unless he defies a lawful order not to enter or remain, personally communicated to him by the owner of such premises or other authorized person."

From the foregoing definition, it is apparent that the issue in this case is whether Mr. Morrissey defied a "lawful order not to enter or remain, personally communicated to him by . . . authorized person". There is no doubt in the instant case that the order to cease distributing the literature was personally communicated to Mr. Morrissey. Moreover,

the evidence will show that the notice prohibiting such distribution had been posted long prior to the date of the alleged offense. The issue thus comes down to whether the order to cease distributing the literature was a "lawful order". See People v. Brown, 25 N.Y. 2d 374 (1969). In People v. Rewald, 318 N.Y.S. 2d 40, 44 (Cayuga Co., 1971), the court held that a rule was valid so long as it rested upon "reasonable customs and practices, rules, regulations . . ." We submit that this principle is applicable here. The rule prohibiting distribution of literature was not discriminatorily applied against Mr. Morrissey and, moreover, it has its basis in the long-standing customs and practices of the Union.

Conclusion

For the foregoing reasons, it is respectfully submitted that the facts of this case establish criminal trespass in the third degree.

Respectfully submitted,

ABRAHAM E. FREEDMAN
36 Seventh Avenue
New York, New York 10011

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Plaintiff's Exhibit 16

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK: PART HT-3

----- X Docket 310831
The People of the State of New York :

- against -

: Charge:
140.10
: 240.20/6

JAMES MORRISSEY,

Defendant

----- X

July 20, 1971

BEFORE: HONORABLE WILLIAM E. RINGEL, Judge

APPEARANCES: FOR THE PEOPLE:
CLIFFORD FISHMAN, ESQ.
ASSISTANT DISTRICT ATTORNEY

FOR THE DEFENDANT:
MELVIN L. WOLF, ESQ.
& ARTHUR E. MCINERNEY, ESQ.
Civil Liberties Union
156 Fifth Avenue
New York, New York

Frank Verley,
Court Officer

Jack Gross
Official Court Reporter

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COURT OFFICER: Docket B 16831,
James Morrissey, charged with violation
140.10, 240.24 Subdivision 3, arresting
officer Gerald Tucidarone, civilian com-
plainant, James Nimmo.

MR. WULF: For the Defendant, James
Morrissey, Melvin L. Wulf, American Civil
Liberties Union, 156 Fifth Avenue, New York,
10010, and Paul Chevigny, New York Civil
Liberties Union, 84 Fifth Avenue, New York,

MR. McINERNEY: Arthur E. McInerney,
firm of Duran and Taylor, 74 Trinity Place,
New York, New York, 10006, representing --

THE COURT: Representing whom?

MR. McINERNEY: Mr. Morrissey.

THE COURT: How many lawyers has he got?

MR. WULF: Three.

THE COURT: Only one will do the
examining.

MR. WULF: I am going to conduct the
examination.

MR. FISHER: Clifford S. Fishman,
Assistant District Attorney for the People.

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Good afternoon.

THE COURT: Good afternoon.

MR. WULF: I have a memorandum of law that I would like to hand up the Bench.

THE COURT: Just a minute.

All right, let me look at it.

MR. WULF: I served the District Attorney.

THE COURT: All right.

Let us look at the question of law right off the bat and cut the umbilical cord.

Is it contended that the defendant was unlawfully on the premises? Is he connected with the union?

MR. WULF: He is a member in good standing. I don't think it is contested that he was on the premises lawfully.

MR. FISHER: Obviously, the factual and legal question is whether he was there lawfully.

THE COURT: Is this a union hall?

MR. FISHER: It is.

THE COURT: Open to all members of the union?

MR. FISHER: It is.

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Plaintiff's Exhibit 16

THE COURT: If I remember correctly, I think it was the Court of Appeals that said you can't stop people from distributing circulars , I think, anti-war circulars in the bus terminal at 41st Street and 8th Avenue.

MR. WULF: Second Circuit, Court of Appeals..

THE COURT: I didn't remember. I knew it was a high Appellate Court.

If they say that, how do the People contend, as a matter of law, that this man, a member of the Union, in the Union Hall is prohibited, may not distribute circulars? I don't know the contents, it may have something to do with it, because somebody posted a type of sign saying that you are not allowed to give out circulars. I am guessing that the circulars attacked or criticized some union officials.

MR. WULF: That's correct.

MR. FISHER: That's my understanding.

THE COURT: I got a crystal ball and

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everything.

MR. WULF: Your Honor, we have --

THE COURT: I am sure if he praised them, nothing would have happened. I am going now purely on the case. I don't remember the name.

MR. WULF: Wolin (phonetic) vs. Port Authority.

THE COURT: I remember the case quite distinctly. You can't stop a union member from criticizing by circular or otherwise unless there is a disservice of some kind, a clear and present danger of that which the law is entitled to prevent.

In this situation, I see no validity that the distribution of this constitutes --

MR. FISHER: It is not the contention of the People, I am sure it is understood --

THE COURT: I don't want to pre-judge it. I am trying to see the facts so we could understand what the law is.

MR. FISHER: It is not the contention of the People that the literature being

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distributed in any way contributes to the illegality or alleged illegality of the defendant's acts. Certainly nothing being distributed is in any way seditious or in any way threatening the security of the state or the nation or the peacefulness.

THE COURT: Or the union.

MR. FISHER: Or the union. It is not the literature itself.

It is the People's contention, as a matter of fact and law, that the regulations of the union prohibit the defendant's activities, and that a case or criminal trespass has been made out, particularly in light of traditional and specific provisions made by the union for allowing the free distribution of literature immediately outside the building. We say that the first amendment rights have not been seriously hampered by this regulation.

THE COURT: Whether they are

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"seriously hampered" is immaterial.

The question is whether they are hampered.

MR. FISHMAN: The People's position,
as a matter of law --

THE COURT: The question of "seriously,"
is semantics.

MR. FISHMAN: I withdraw that word.

THE COURT: I am sure we don't want
to go into semantics.

Reading the complaint, if those are
the facts, I see no case.

MR. FISHMAN: Well, your Honor, the
People submit that the complaint does
make out a case as a matter of fact and
as a matter of law. If the Court feels
serious doubt as to whether or not this
is indeed the case, the People would ask
leave of the Court to prepare a memorandum
of law to support its position.

MR. WULF: May I be heard, your Honor?

THE COURT: May I suggest that the way
to handle it is that the defendant demurr
to the complaint. I sustain the Demurrer and

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you have a right to appeal.

MR. FISHMAN: If the Court feels --

THE COURT: I don't see any violation of law here at all on the face of the complaint.

MR. FISHMAN: Well, all I can do is reiterate the facts, your Honor. The defendant was repeatedly requested by an official of the union to leave the union hall or to cease his activities. He was specifically asked to leave the union hall or to cease his activities. He was advised that if he did not either leave the hall and step outside the hall or cease his activities, he would be placed under arrest.

MR. WULF: Can I be heard on the law before we take evidence?

THE COURT: Yes.

MR. WULF: Your Honor is on the right track.

THE COURT: It is a welcomed relief from some attorney I had here this morning.

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MR. WOLF: You will find the facts are not in dispute. Mr. Morrissey is a member of good standing. He had a right to be there. There was no disruption there. He was in there distributing the leaflets. If the State doesn't put them into evidence, we will. It is anti, leaflets in opposition to the present administration of the National Maritime Union, Mr. Morrissey being an opponent to the present entrenched administration of the National Maritime Union. There was an election, disputed election conducted on Mr. Morrissey's complaint under the scrutiny of the Secretary of Labor, a couple of years ago.

You will find that he was in the hall passing out the leaflets to the members of the union. The notice he is alleged to have violated is one that says, "It is the established policy of the National Maritime Union that only official union publications may be distributed inside the hiring halls or other union offices."

It is true that he had been told earlier

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not to come in and distribute leaflets, but he had been told many things by the union administration which treats him as one of their principal opponents.

THE COURT: If those facts are not in dispute, I would still sustain the Demurrer without any testimony because no union official has a right to tell another union member he may not distribute literature where there is no destruction of the peace. It is a clear violation of the First Amendment rights, in my view.

MR. WOLF: There are constitutional defenses. We have statutory defenses, we have state law defenses. We have at least four or five reasons why this prosecution cannot be sustained.

I would urge your Honor to dismiss.

MR. FISHER: Again, your Honor, perhaps the facts are slightly in dispute. I will reiterate what the People would seek to do.

THE COURT: Let us see if there is any

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dispute on the facts.

MR. FISHMAN: On July 1st, 1971, at approximately 9:30 in the morning, Mr. Morrissey arrived at the National Maritime Union Building, 36 7th Avenue, again to distribute literature.

THE COURT: Such as what counsel has here?

MR. FISHMAN: I have not seen the literature that was distributed. The quality of the character of the literature is in no way an aspect.

THE COURT: It is not in issue?

MR. FISHMAN: No.

MR. WULF: It is an issue to the union.

MR. FISHMAN: Counsel, please.

MR. WULF: It is an issue to the union.

THE COURT: What I meant is that the People are making no contention, I take it, that the literature distributed plays any part in the case; is that right?

MR. FISHMAN: Not the quality of the

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literature.

THE COURT: The contents have nothing to do with the issue?

MR. FISHMAN: Correct, seditious or revolution.

THE COURT: It could be immockuous for the purpose of the hearing?

MR. FISHMAN: Yes.

MR. WULF: Protem.

MR. FISHMAN: Further, your Honor, the defendant was asked -- he entered the hall at approximately 9:30. He positioned himself more or less in the flow of pedestrian traffic to one of the circular hiring halls in the building, and he, apparently, with one or two other individuals was distributing the literature.

A master of arms of the union, a member of the union, an official of the union, an employee of the union, at 9:30 in the morning requested the defendant to cease distributing the literature and in-

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formed the defendant that it was against union regulations for anyone to distribute literature inside the building.

THE COURT: Who adopted the regulations and when were they adopted? Were they adopted at a formal meeting, membership meeting?

Was any vote taken on it, or was this a -- I won't say capricious -- was this merely an edict handed down by one of the persons at the union who decided on his own that this was a good thing to do?

MR. FISHER: At this time, your Honor, I couldn't say for certain whether it was an executive, legislative or judicial decision by the union officials.

THE COURT: Or Board of Directors?

MR. FISHER: I don't know whether it was done by an executive officer or the Board of Directors or by a vote of the entire national membership. I couldn't

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say.

MR. MCINERNEY: I think I could help. The edict was just promulgated, without even a date, by the Secretary-Treasurer of the union, Mr. Shannon Wall. No vote at all was taken.

THE COURT: All right.

MR. FISHER: Further, your Honor,--

MR. MCINERNEY: Could we have the record show that Union counsel is appearing here, aiding and assisting the District Attorney?

THE COURT: I don't see any objection to it.

MR. MCINERNEY: Neither do I, but I want it in the record.

MR. SOLVEL: My name is Charles Solvel, 36 7th Avenue, New York.

In response to --

THE COURT: You are the attorney for the Union?

MR. SOLVEL: Yes.

MR. WOLF: If he is going to testify

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I would like him to do it under oath.

MR. SOLVEL: Be glad to.

MR. FISHMAN: I would ask the Court to instruct eminent counsel for the defendant to stop interrupting.

THE COURT: Yes.

What do you know about it?
Was this adopted?

MR. SOLVEL: Yes.

First of all, the rules have been in the effect as long as I have been associated with the union.

THE COURT: How did it become official?

MR. SOLVEL: National Officers Meeting which are the elected officers.

THE COURT: Do you have minutes?

MR. SOLVEL: I don't have minutes with me.

THE COURT: Was this ever submitted as far as you know to the membership?

MR. SOLVEL: Not that I know of.
I don't think it is the practice to do so.

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THE COURT: That isn't the issue.

MR. SCLEVEL: The regulation of the building, in this matter, your Honor, has not been formed without the area which the distribution is eminent, is very adequate for purposes of communicating to the membership.

MR. WULF: May I cross examine him?

THE COURT: Not now.

MR. FISHERMAN: May I go on?

THE COURT: Yes.

Thank you, counsel.

MR. FISHERMAN: If it becomes an issue, the People would be able to demonstrate quite adequately that more than adequate access, more than adequate position within the physical confines of the union hall and its immediate surroundings is always available to anyone who wishes to distribute literature. But, in any case, to continue --

THE COURT: You mean other areas in the union hall?

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Sit down, counsel, please.

MR. FISHER: Of the areas in the building, of this building, other public areas or areas where distribution of these items may be made immediately outside of the door of the building, within the building line itself and under an overhang protected from the elements, which is outside the doors of the building itself.

The People could produce evidence to prove that distributing literature, picketing, all sorts of First Amendment activities have always been carried on without any objection or opposition by the union.

THE COURT: On the street?

MR. FISHER: Immediately outside the door, under an overhang that is protected from the elements.

Further, as I said, at approximately 9:30 in the morning, a Master of Arms, who also was a union member, an employee

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of the union, told the defendant that his activities in distributing literature was against union regulations and would he please cease . The defendant, Mr. Morrissey, refused. Approximately two hours later, the same individual approached Mr. Morrissey again and informed him again that his activities were against union regulations. He was requested to cease. He was shown one of the notices, a copy of which I have in Court, which the People might seek to introduce into evidence at a preliminary hearing. This was to the effect that all but official union publications are prohibited from being distributed inside the building itself; that the defendant apparently read it --

THE COURT: This is supposed to constitute a violation of the Penal Law?

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Plaintiff's Exhibit 16

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MR. FISHEAN: May I finish?

THE COURT: I don't see it at all,
I am sorry. There are union
regulations for the trial of members. I
assume he was not brought up on charges
in the Union.

MR. FISHEAN: I have no knowledge
of that, your Honor, and I don't think
it would be relevant in any case.

THE COURT: It is relevant because
to me this is a very precipitous action.

MR. FISHEAN: Finally, at approx-
imately 12:30 that afternoon, the same
individual, Master of Arms, advised the
defendant that if he did not either cease
distributing, the literature inside the
hall or leave the building itself, the
place would be called and the defendant,
Mr. Morrissey, would be placed under arrest.

The Defendant said, "I am not going
to stop." A police officer was called
at the request of and on behalf of the
Union. The police officer placed him under

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arrest.

Those are the facts as the People anticipate being able to prove them.

The People submit that a landlord, in quoting a union -- and, of course, there is no denying a union, even as a landlord, fulfills a particular situation. The fact it is a union headquarters means it is not just anyone's home. The union does have the right to --

THE COURT: Reasonably regulate the functions going on at the union premises.

MR. FISMAN: Yes.

THE COURT: And thereby hangs the tail, the word "reasonably."

MR. FISMAN: Since provisions by way of longstanding practice by the union never sought to disturb and more than adequately allow total free expression of First Amendment rights by the distribution of literature, by demonstrating by whatever individual so desires of wanting to do so,

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the regulation prohibiting the distribution of literature in the building is not unreasonable, is not an infringement of the First Amendment rights, or for that matter the right of members of unions to exercise their rights both as citizens and members of the union.

MR. WULF: We agree with the facts as stated by the District Attorney. There is no dispute about what happened.

THE COURT: I didn't think so from a reading of the papers.

MR. WULF: Under that factual situation, I would say there are at least five or six reasons why this prosecution cannot be sustained. Let me start with what I think is the easiest one. The District Attorney talks about a landlord. The union is not the landlord. The owners of the building are the members of the union.

THE COURT: That's a poor example.

MR. WULF: He talks about the post-

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ing of the notice. The notice, on its face, is absolutely discriminatory on First Amendment grounds because what it does is to allow official union publications to be "distributed inside the hiring halls," but doesn't allow unofficial or oppositional publications to be distributed.

THE COURT: Any objection to my seeing that?

MR. FISHER: None whatsoever.

MR. WOLF: One is the notice that was posted.

THE COURT: The notice is, "National Maritime Union," undated. "Notice," in large letters. It is the established policy of the National Maritime Union that only official union publications may be distributed inside the hiring halls or other union offices. No solicitation is permitted in the union buildings. Any person attempting to solicit sales or distribute unauthorized literature in-

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side will be asked to discontinue said practice and, in the event they fail to comply with such request, will be required to leave the premises." It is signed by somebody. It looks like Wall.

MR. WULF: I think he is the secretary-treasurer of the union.

Could the record show that it is undated?

THE COURT: I said that it is undated.

The other one is, "The Call for IAU Democracy." An open letter to Joseph Curran. The following was mailed to Curran on July 1st, 1971 by certified mail receipt Number 813761. "Scared of New Business." Two mimeographed sheets.

MR. WULF: The leaflet.

THE COURT: That's the stuff distributed?

MR. WULF: Yes, sir.

THE COURT: All right.

Mark these documents as Exhibits 1 and

2.

MR. WULF: The criminal trespass statute

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requires to sustain the prosecution that the notice is lawful and not contested. The order to leave has to be a lawful order. This order was not lawful under the First Amendment. This is not only the Port Authority case which you, yourself, cited, but another case which has broad application, the Logan Valley Plaza Case which was cited by the Supreme Court in 1968. This concerned the right to picket on privately owned shopping center premises where the owners of the shopping center attempted to prohibit union picketing. That case is stronger than the Wolin (phonetic) case because the Wolin (phonetic) situation involved the Port Authority Terminal which is, by invitation, open to the public -- which is publically owned, I am sorry.

THE COURT: It is private property in the technical sense.

MR. WULF: Publically owned.

THE COURT: In a broad sense.

MR. WULF: All right. I would disagree with you on that, but certainly owned in a

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more public sense than an indisputable private place.

THE COURT: I see what you mean.

MR. WOLF: The indication here is to bring those two cases together, both Wolin (phonetic) and the Logal Valley Plaza case. The Union Hall is not, admittedly, a public inn, generally. However, as far as Mr. Morrissey is concerned, a member in good standing, he has every right to be there and, as such, he has a constitutional protective right to distribute the literature.

THE COURT: Let me ask the District Attorney a question. Is there any contention if he spoke to members going in, talking or criticizing the union officials, that he would be prohibited from doing it? I am talking about if they posted a notice saying that you may not criticize union officials on the premises, that if you want to, criticize them off the premises.

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MR. FISHMAN: As far as I know, your Honor, there is no such regulation.

THE COURT: What is the difference if he does it in writing?

MR. FISHMAN: Your Honor, in terms of the constitutionality of the provision?

THE COURT: Yes, the First Amendment.

MR. FISHMAN: Well, your Honor, if it's withdrawn -- let me say this, your Honor.

I think the distinctions can be made, first of all, the activity of handing out literature is different from speaking.

THE COURT: In what respect is it different?

MR. FISHMAN: First of all, when literature is being given out, paper tends to fly about a bit.

THE COURT: The Court of Appeals has long held it is no excuse, no reason for stopping it. That's old law. It's not even new.

MR. FISHMAN: People being stopped on the way to and from a door or wherever they

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are going --

THE COURT: It came down in an advanced sheet, which says that temporary inconvenience doesn't excuse -- does not constitute a violation of law.

MR. FISHMAN: I had 80 cases.

I didn't see the advanced sheets. I haven't gotten to it yet.

THE COURT: They cited the old case of People versus Carsel (phonetic), where people had to walk on the street, but their inconvenience doesn't -- The Court takes a very strong view on First Amendment rights.

MR. WOLF: May I say, your Honor, if there is any temporary inconvenience, it is probably greater under the system that the District Attorney proposed.

MR. FISHMAN: I am not proposing anything.

THE COURT: He is not proposing anything.

MR. WOLF: He said, speaking on behalf of the union, that Mr. Morrissey --

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THE COURT: He is not speaking on behalf of the union.

MR. FISHER: I am speaking on behalf of the People of the State of New York.

MR. WULF: In any case, regardless of on whose behalf he is speaking, he did say that Mr. Morrissey could reasonably have circulated his views by standing outside.

THE COURT: That's not the issue.

MR. WULF: All right.

THE COURT: I think I get the point.

MR. WULF: Let me also call to the Court's attention the so-called labor union Bill of Rights, which is title 29 USC Section 411 A2. Under that law, which would, of course, on the supremacy course prevail over the criminal trespass law, it says that every member of any labor organization shall have the right to meet and assemble with other members and to express any views, arguments, opinions.

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Though we are unable to find cases which were on all fours with this, there are a series of cases which say that even if there are statements made by union members which are in fact slanderous or libelous against union officers, it cannot be a basis for expulsion from the union. The statements made here are not libelous or slanderous within the meaning of the political advocacy. What they did, in opposition to Section 411A2 was to effectively expel Mr. Morrissey from the Union Hall.

There is a last ground, your Honor, and that is that we don't think this notice was lawfully promulgated. The attorney for the IMU said it was done by the National Officers, but the constitution of the National Maritime Union says that the officers can't do anything that isn't authorized by the members. If they can show it was brought before a National Convention and passed on by the members, I will concede its validity, but

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I don't think they can show it.
I think the order , if as the gentleman from the MMU said, was, simply promulgated by the National Officers and perhaps the Secretary - Treasurer himself, then it is unlawful because it violates the union's own Constitution.

MR. McINERNEY: Just one more word on it. As your Honor suggested, even if the regulation was lawful, the Union is not without redress. They could get a civil injunction against Mr. Morrissey or they could proceed within the union, under the union's rules, to punish Mr. Morrissey. The People of the State of New York have absolutely no interest in the power struggle within the union.

THE COURT: I am sure, if you know the District Attorney's Office as well as I do, that they don't get involved in that.

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MR. McINERNEY: I understand.

THE COURT: A complainant comes into the office and many times they have to take action on the complaint and then they leave it to the Court to decide whether the complaint is valid, justified under the law.

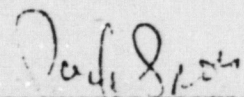
From the facts that have been disclosed here this afternoon, Gentlemen, I see no basis in law as to the validity of this complaint, and I sustain the Demurrer to it, with an exception to the People.

MR. FISHER: Thank you, your Honor.

MR. WOLF: Thank you, your Honor.

oOo

Certified to be true and accurate.



John G. Goss,
Official Court
Reporter

THE FATHERS OF LIES AND THEIR LYING LEAFLETS

"Men With Guts Settle Their Beefs Inside the Union," Says NMU Veteran

To The PILOT, Oct. 5—As an ex-official of the NMU and a member in good standing I for too long have sat back and not raised my voice against the malicious, pernicious and and lying propaganda that has been coming aboard NMU contract ships. These leaflets come aboard unsigned and without any basis in fact.



LUCIO

In the last couple of months more and more of this vicious material has been coming aboard ships and all it seems to do is blast Joe Curran and oppose everything that is good for the members.

I want it clearly understood before we go any further where my loyalty stands. I want to point out my loyalty, first to my country and then to my family and Union. I also want to point out that there is not a shred of truth to these statements against Curran and our Union. I also want it publicly understood that I am four-square behind Curran and NMU.

Let us first start off with the question of wages that these characters are always comparing with other seafaring unions. In some of these leaflets awful lies have been said against Curran and our Union and they try to confuse the membership by playing the numbers game.

They claim some seafaring unions make more in base wages than the NMU. This is true because in the base wages of these unions their weekend overtime is included.

Now anybody can play the numbers game and I am going to show you how easy it can be played to fool some of our members.

Take the wages of a FWT, an oiler and an AB. In our Union the wages for these ratings is \$422.58 on freighters and passenger ships. Now take the wages of these other unions which come to \$558.00 a month and which includes their overtime. When you first look at the difference in wages you say, My God, these unions make \$136.00 a month more than we do! But don't forget the gimmick is that their weekend overtime is included in these base wages.

Now take our base wages of \$422.58 plus 64 to 72 hours a month weekend OT at \$2.62 an hour and we get for 64 hours OT \$167.68 and at 72 hours we get \$188.64.

Add \$167.68 and \$188.64 in base wages and you get \$590.26 and \$611.22, or over and above these other seafaring unions in the amounts of \$32.00 and \$53.00 more than these unions, that make

\$558.00, including their overtime.

This is one example. Let's take another regarding vacation. On the West Coast some unions have a rule that you must vacate your job when your seven months are up. After working seven months the seaman gets 5 days a month supplementary pay in lieu of vacation time. When he again ships he can stay on a ship seven more months and get another 35 days supplementary pay. Now, he worked a total of 14 months and has gotten after every seven months, 35 days pay. No 35 days from the first seven months have been added to his next seven months. Therefore no time was accumulated and he had to work every seven months to get his 35 days.

On the East Coast another maritime union had screaming headlines that they won a big concession from the shipowners giving their members \$1,000 a year vacation.

In order to receive this vacation pay they have to work for the full 12 months for each and every year. Again, as in the previous union, there's no accumulated time.

In our Union, we get 60 days a year vacation pay or \$845.00. FWT and oiler gets about \$845.00. Unlike the other unions, his vacation pay counts toward his retirement and also is accumulated time that goes on next year's vacation and a seaman in our Union only has to work ten months the following year to receive his full sixty days.

When you add the two months that he is off and the accumulated time and the \$845.00 that he receives for his vacation, then the NMU members are getting the equivalent of \$1,690.00 or \$690.00 a year more after the first year than the other seafaring unions. Other ratings in our Union get higher pay than the FWT and AB so therefore their vacation pay would be higher.

So you see how easy it is to play the numbers game. It is easy to fool some of the people some of the time, but not always.

If these people that are putting out this vicious propaganda quit lying and put themselves to good use, then they would be better off. I myself doubt if these brothers are really good union members and have the Union at heart. The only way to settle a beef in this Union is on board ships and at the Union meetings ashore.

It is easy to say that Curran signs "sweetheart contracts" without any basis in fact, but we ask these rats to put up or shut up and go back to their ratholes to get out some more slimy propaganda.

There is still and were many things I didn't approve of, but I do my beefing at the Union meetings and if any

officials, including Curran, doesn't approve of what I say he has the right to get up and blast me. That is the way a union should be run. Not from a cesspool.

I don't know where this group is meeting or who is financing them, but when their material comes aboard the members relegate it to the wastebasket.

As often happens when somebody loses a piece of pie in the union they start using Joe Curran as a whipping boy the same way I was used in the past. Joe Curran has had so many brickbats thrown at him it's a wonder he stood up so well under them. A lesser man would have gone out of his mind and gave it all up. But Joe is still in there pitching and still going to greater heights.

Incidentally, I've thrown quite a few slurs at Curran myself, but I never hid underground. I'm still in there fighting for the Union and its leadership as long as they are fighting for the membership.

I'll probably be called every name under the sun for writing this article, but I could not stand by and see them vilify Curran and this great Union of ours. These people that are doing so today will rue the day they started it when the membership gets its anger up.

I ask all members of the Union who have known me in the past to give your full loyalty to the Union and to our leadership.

At the last convention there was a delegate who wanted to run for President and because he did not meet the requirements of the constitutional provision he was denied a place on the ballot. This candidate didn't even have the gumption to get up and try to make changes in the constitutional provisions nor did he at any time get up and make a protest to the convention relating to this matter. Is that the kind of leader you want, or a tried and true leader like Joe Curran?

In passing, and regarding this numbers game, let me add one more thing. In our contract we get 11 paid overtime days for 11 holidays. In these other seafaring unions their paid holidays amount to seven or eight. Add another \$80.00 a year more that we get over the other unions.

Other lying literature has come aboard with Morrissey's name on it. It seems that this Morrissey had a beef with Joe Curran regarding the so-called "restrictive ballot" and one day he was waylaid by three goons. He claims they hit him over the head with a pipe. This is his version, and the culprits have not yet come to trial. I wonder if Morrissey didn't fall off a bar stool in some ginmill and then blame goons and Curran.

Is this the same Morrissey that was a Patrolman in the Union when there was another beef in the union, along with Padilla and several other people who are

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now supporting him? I am amazed that this character has the gall to squeal and holler cop when all he says he got was a little love tap on the head.

I pity poor, poor, Morrissey. Did he cry out in anger when other seamen were beaten and vilified? No, of course not. Why? Because he was part and parcel of the whole set-up at that time.

I clearly remember the slogan on Friday nights when some drunken \$5.00 a day goons said, "Let's go to 23rd Street and get Tony Lucio!" Well, sometimes it took 30 of them just to take a swipe at me. Did I run and holler cop? Of course not. Just because Morrissey claims he got a love tap on the head he wants a Congressional hearing, hollers cop, h.s the ACLU in on the case and has Murray Kempton (eek!), a reporter, plead for him in a local New York paper. Where was this character Kempton when other seamen were being dumped? You guessed it, with Morrissey.

I remember in days gone by in the middle 30s when Curran and others like myself had to fight real goons, not \$5.00 a day goons. When we were struggling to build this Union, Curran and others took their lives in their hands to walk the streets. I remember one time that Curran came to strike headquarters with blood flowing down his face and with his head split open. Do you think that Curran said call the cops? Hell, no. He said, brothers, we must fight this fight by ourselves because we are all alone and we must give an eye for an eye and a tooth for a tooth.

In those days you had to have guts. Just because you got a busted head it was not an excuse to holler cop but to fight back for your rights so we could have the democratic union we have today.

In those days we didn't have \$5.00 a day goons but real hoodlums, like Albert Anastasia, the high executionist from "Murder, Inc." to look out for.

I myself, along with Curran was involved in many hair raising incidents that could have led to both of us being killed. An incident that I remember quite clearly was the time we were trying to help the Brooklyn longshoremen to stop kickbacks and loan sharking and also to help organize them to get better wages and conditions. Pete Panto, a rank and file longshore leader, happened to be in a candy store with me discussing the longshore problem. After the discussion Pete said he had a date and left. We didn't hear of Pete for many years until they found his body in a lime pit, murdered by members of "Murder, Inc."

Other times the members of our union were trying to help the seamen on Calmar and Shepard Line ships. Many members were threatened with death. And don't forget the hundreds of times seamen were beaten on the picket line helping to build this Union. The main point in all this is that at no time could we rely on the authorities because we were a rebel cause and very few people understood our beefs.

Where were Morrissey and Padilla and the rest of the stooges when we were getting our heads spilt open? So come off it, Morrissey, and don't try to look like saints today. You both were part and parcel of those phony actions in days gone by. If you have a fight against Curran and the Union come out of your rathole and stand up and be counted.

These are some of the things that go through my mind as I sit back and reflect on all the gains we have made under the leadership of Joe Curran. Looking at things with hindsight I would say that I might have done some things differently but I don't regret a day that I have fought for this Union and I will continue to fight for this Union and its leadership under Curran.

Curran himself said one day that he wasn't infallible and he is the first to

admit it, but for crying out loud, let us give credit where credit is due. If it wasn't for Curran and his leadership the NMU would be back to the intolerable days that we had in the past.

Morrissey and Padilla promise you pie in the sky. All I have to say is "Beware of the Greeks that bear gifts." If they can produce anything better, let them get out of their cesspool and do it in a democratic way. Or is it too late?

If they are the perpetrators of such vicious stuff against the Union, then they have no place in it as they have no guts to stand up and be counted in the light of day.

It seems that every time the Union is negotiating or is in a crisis and fighting for its very survival, some rats start the old propaganda against Curran to weaken us by trying to split the membership.

We had an old slogan years ago which stated that "An injury to one is an injury to all." Do you think that if they hurt Curran that they are not hurting us? Do you think that if one seaman is injured that all of us don't feel it? You can bet your boots we do. So beware of phony propaganda. Support your Union and its leadership. Read The PILOT, attend and participate in all meetings, notify Curran and the National Office if the officials in the outports are not doing their jobs. Curran can't be in 32 ports at one time and he can't control the minds and habits of 150 officials, but he can read your letters if you have a beef. So let's all participate in the life of the Union and let no phony ever again get a foothold in it.

One more word in passing. Morrissey and Padilla seem to be against everything the Union is for. Where do they stand regarding the United States in its war in Vietnam, where it is fighting communist aggression?

Filiberto "Tony" Lucio, Bk. 58450, Genoa, Italy



NOPE, IT'S NOT NIKITA KHRUSHCHEV studying "Food for the Future" to ready himself for a comeback. It's entertainer Oscar Jordan, who makes a living out of his uncanny resemblance to the retired shoe-slammer.

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James M. Morrissey
2621 Palisade Avenue
Bronx, New York 10463

April 9, 1970

Mr. Joseph Curran
President
National Maritime Union of America
36 Seventh Avenue
New York, New York 10011

-----*-----
Re: James M. Morrissey, Joseph Padilla,
Ralph Ibrahim, individually and on
behalf of the members of the National
Maritime Union of America;

Plaintiffs

--V.--

Joseph Curran, Shannon Wall, William
Perry, Martin E. Segal, Abraham E.
Freedman and Leon Karchmer,

Defendants
-----*-----

Dear Sir:

Because of the fact that the above entitled lawsuit concerns each union member and the results to date are of special interest to them, the undersigned, one of the nominal plaintiffs in the said action hereby makes demand upon you to print this letter in its entirety in the next issue of the NMU PILOT.

The NMU membership will be enriched a million dollars (more or less) as a direct result of James M. Morrissey, Joseph Padilla and Ralph Ibrahim's successful lawsuit against the inclusion of non-elected employees in the NMU Officers' Pension Plan.

On March 31, 1970 the United States Court of Appeals for the Second Circuit denied the petitions of Joseph Curran, Shannon Wall, William Perry, Martin E. Segal, Abraham E. Freedman and Leon Karchmer for rehearing and rehearing in banc. In so doing the court upheld its previous decision of February 20, 1970 in favor of the union membership which held that the defendants (Curran et al.) violated their duties of loyalty to the trust reposed in them. In this regard the Court said:

"The trial court was correct in finding that all the defendants were in a position of trust and responsibility in relation to the monies charged to have been unlawfully expended and all had a duty to see that it was restored to the Union treasury."

In the course of this lawsuit Messrs. Curran, Shannon Wall, William Perry and Abraham E. Freedman, instead of hiring their own counsel undertook to employ the union's counsel, Abraham E. Freedman. In remanding the matter back to the District Court the Court of Appeals indicated that it was improper for them to retain counsel paid or to be paid with Union funds, and directed that Court to take appropriate action.

It was Messr. Morrissey, Padilla and Ibrahim who undertook to protect the interests of the entire union membership and brought the action on their behalf. It has been estimated that a million dollars will be re-

turned to the Union treasury as a result of this action. This estimate is based on the fact that William Perry, Curran's close personal friend and former righthand man unlawfully received over one hundred fifty thousand dollars (\$150,000) in 1969. Several other employees favored by Curran were also involved, among them Bernard Raskin, Director of Publications; the man who handles Mr. Curran's public relations. It may well develop in the Court ordered accounting that the Morrissey estimate of one million dollars is conservative.

The Court noted that in the event the defendants "are unable to recoup that money, they may be held personally liable." The defendants recognizing this attempted to avoid responsibility for their wrongful actions by attempting to have the union constitution amended retroactively. This they could not lawfully do the Court determined, stating:

"In making this assertion, (that they had done no wrong in amending the constitution retroactively) the defendants conveniently overlook the fact, that the trial court did find that they had breached their duties because the expenditures in question were not authorized by the NMU constitution and that they were in violation of #501 of the act." (parenthetical material added) ... Otherwise the provisions of #501 would be completely emasculated if, every time a court, at the behest of complaining members of a union, found that the officers could find sanctuary by putting through a constitutional amendment or by-law retroactively to legitimize their former derelictions of duty. We also note that the district court maintains continuing jurisdiction to insure that the accounting and return of funds to the Union treasury proceed as ordered, and, of course, it retains the power to insure the necessary orders to assure full compliance."

Yours truly,

James M. Morrissey
James M. Morrissey
Book Number-34210

JMM/hm

Original by certified mail, return receipt requested.

Copies to: The Honorable George P. Schultz, Secretary of Labor
Mr. Arthur E. McInerney, Attorney at Law
Mr. Daniel Donnelly, Attorney at Law
Mr. Bernard Raskin, Director of Publications

James M. Morrissey 811E
2621 Palisade Avenue
Bronx, New York 10463

July 20, 1970

Mr. Joseph Curran
President
National Maritime Union of America
36 Seventh Avenue
New York, New York 10011

-----*-----
Re: James M. Morrissey, Joseph Padilla, Ralph
Ibrahim, individually and on behalf of
the National Maritime Union of America,
Plaintiffs

--V.--
Joseph Curran, Shannon Wall, William Perry,
Martin E. Segal, Abraham E. Freedman and
Leon Karchmer,
Defendants

Dear Sir:

We request that you publish this letter in its entirety in the next issue of the Pilot. We repeat our request that you print my letter of April 9, 1970 concerning the above entitled matter in its entirety also in the next issue of the Pilot.

The United States Supreme Court on June 29, 1970 denied a petition for a Writ of Certiorari filed by Joseph Curran, Shannon Wall, William Perry and Abraham E. Freedman.

Again we remind you that the Pilot is the organ of the entire NMU Membership. This denial of the Writ by the United States Supreme Court is of interest to the NMU Membership generally.

A resolution was passed by the crew of the S/S Santa Maria on June 15, 1970: "...Resolved that the Pilot print the letter written by Morrissey which the crew is enclosing. We feel all the membership should know about this; since the Pilot is our newspaper, that is where we want to read it, ..."

(The letter referred to in the resolution was the letter of April 9, 1970 referred to herein).

Your truly,

James M. Morrissey
Book Number #34210

JMM/hm

Original by certified mail, return receipt requested.

Copies to: The Honorable George P. Schultz, Secretary of Labor
Mr. Arthur E. McInerney, Attorney at Law
Mr. Daniel Donnelly, Attorney at Law
Mr. Bernard Raskin, Director of Publications

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who will lead NMU?

A "convicted felon"?

A "dangerous paranoid"?

Excerpt from NMU National Office Minutes, meeting of March 9, 1966, published in NMU Pilot:

James M. Morrissey, candidate for Secretary-Treasurer, who had been notified that his candidacy was to be discussed, was called in and the following statement was read to him:

"The National Office has reviewed the papers which you submitted in connection with your candidacy for the office of National Secretary-Treasurer. The National Office also has been informed that you yourself admitted that you Port

Question 8 of the Questionnaire and Question 7 of the Bond application form were false in that you do have a prior conviction for armed robbery which is a felony. Despite these mis-statements your name will appear on the ballot.

Section 6 of the NMU Constitution which states: "Any member who submits false information as to his qualifications to run for office shall be charged with a violation and tried."

Excerpt from signed medical record of N.Y.C. Dept. of Hospitals, Psychiatric Division, on the confinement of Gaston Firmin-Guyon in Bellevue Psychiatric Hospital; June, July, 1963:

"He said on Wed. (two days ago) that he had hallucinations, was a dying man and that they had slipped a monkey on him (the fellows at the union). Patient is supposed to go to court for assault on the high seas... He is very paranoid, even about his attorney. The case pending involved breaking a man's skull. This man is dangerous." (signed by attending psychiatrist).

We don't like to spread before the public such facts about one man's criminal record and another's unfortunate mental condition. But under the circumstances we have to. Morrissey wants to be National Secretary-Treasurer of NMU. Guyon wants to be Agent in the Port of New York. Furthermore, they are the "leaders" of a catch-as-catch-can group of candidates which they call "the Haake-Morrissey Team" by which they hope to get their foot in the door. The membership must be advised. You have to know what kind of people want your vote in this election. You have to know what kind of people want to take over our Union. The NMU pension funds, contract negotiations, contract enforcement, the whole future of NMU and all it means to you will be in the hands of the officials you elect. Don't take chances. There is only one way to be sure. Vote for proven, experienced leadership that has built our Union and delivered the goods for the membership up to now. Keep NMU strong, effective, united. VOTE THE CURRAN TEAM ALL THE WAY!

Laber donated by Rank-and-File Members for NMU and the Curran Team

P.O. Box 324, New York, N.Y. 10011

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PRESIDENT CURRAN:

Jimmy Martin. Okay. We can close the floor to nominations.

All right, the motion is to accept by acclamation. Martin, Lucci, Ryan, Minocchi, Paterson and Martinez. All right. We have a Committee of 7 -- is it 7?

MR. WALL:

Six.

PRESIDENT CURRAN:

Okay, six. Those in favor will signify by saying aye.

VOICES:

(Aye)

PRESIDENT CURRAN:

Proposed, carried and so ordered. All right.

Now, first of all insofar as reporting at the Council Meeting, I'd like to tell you that insofar as we are all concerned, I am sure we've had a very difficult time for the past two years and particularly the last few months, so that I'm sure that everybody is pretty worn out.

This is going to be a very short Council Meeting.

The primary task of this Council Meeting is, of course, to see to it that the notices are carried out; that the field patrolmen are stationed in their proper areas and that whatever business applies immediately following the conclusion of election is carried through.

Now, I believe that the election now is conclusive, I think, in spite of the fact that the newspapers seem to be in trouble, because they predicted that our opposition would defeat us and they campaigned for them very actively.

The New York Times was one of the foremost pieces of propaganda around here, on behalf of the so-called crusaders. They haven't finished yet.

Some of you might get a chance to read that great newspaper, the Wall Street Journal and you can see a very classy hatchet job done there on myself -- what date -- do you have the date?

After bringing them into my office and spending, I'd say well over an hour with them. Brother Freedman was sitting there, not as our lawyer but just sitting there because he had come through and I told him, stay there. We answered all the questions put to us and he never once talked about some of the things that he wrote about. And after leaving, if you read the story, he didn't have to come in for an interview and it doesn't look like he did come in for an interview. It looks on the contrary like he interviewed the other side. So that that story is in my opinion, the bitterness that comes from a group of individuals, a group of people who have no use for the labor movement, number one; who have a hatred for us, number two; and have a hatred for me as an individual, number three. They just spew out all of their venom in this matter and the press, of course, owned and operated as it is, by its great advertisers, its great business entities, it's allowing a reporter who will do that kind of a hatchet job all the leeway possible, so that you can look for good stories in that direction.

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Now, for 32 years, as far as I can remember and I may miss one or two, we have never had a good story in the press.

As I look around me in this organization, I can't see one situation where we went backwards. In spite of this, on the contrary, in spite of this massive propaganda in the great press of the nation designed to discredit us, we have gone forward.

We have, today, a very strong organization. We have good collective bargaining agreements that have provisions in them that many of the big international unions throughout the country, whenever they meet, as a member of the Executive Council, AFL-CIO, always point with disbelief at some of the provisions we have. The vacation clause; they think a vacation clause like that can only come after 20 years service. In most industries, you get a 13 week vacation after 10 years and like in steel, they have this sabbatical, a 13 week vacation after I don't know how many years of work, and they must be consecutive years and they must be without lost time and many other things in it. So when we say we have a 75 day vacation clause after one year, and that all you have to do to get that is to lay the charges on the table and you get it; they just don't believe it. They don't believe the \$250 pension after 20 years without age requirement. As a matter of fact, one union raised hell with me and said that I was setting a bad example, because his workers were raising hell with him. How come he couldn't get what we had.

So that's it. I told him, I can't help it. My workers are in an industry that has its hazards. Your people go home every night. Our people don't go home every night. They're out there on the rolling seas and they're in the war zones; they're all over the place. It's a little different between our people and them and he says he never thought of it that way. He'd go back and talk to them about it. Maybe he got it straightened out, but I doubt it, because regardless of what he says about our industry, if these guys rate 75 days after one year they rate \$250, somebody's going to get up in the back of that room and say, What the hell are you talking about? What about us? We're the same kind of human beings and want the same thing.

But, anyway, I am only indicating that I am proud of the record of this union and I am proud of the record of every legitimate officer that's worked to build up the record. We've had guys that helped to build up to a point and then bogged down. We've had others that fell by the wayside, but for the most part, we've had good people. What I am most proud of is the rank and file.

Nobody's got the barrage of propaganda that our people got, particularly in this one. They got propaganda help in this one that the Communists didn't get in 1948. The Communists in 1948, they didn't get any help from the press. They didn't get any interference either, incidentally. I don't remember that Great New York Times writing anything bad about the Communists in our union, I don't remember. I don't remember them at that time supporting Curran who was fighting the Communists. I don't remember. So that I don't owe them anything and they don't owe us anything.

So I just want to make these points, because some people may get a little upset and I must concede that in 32 years we have built a structure that is the envy of a great many organizations in the country and certainly, it must be the envy of a lot of people outside, because these people could not have operated without thousands upon thousands of dollars being thrown their way. They were a little non-descript too, and for them to get the amounts of money and support that they got, is a positive thing that there were forces outside that had the feeling somehow, wrong as it was, that this was the time to do a job on the NMU. They were going to be the ones to do it. No.

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the Communists couldn't do it, but we can do it and bust up this union. But with that rank and file that we have, they stood like a rock and these people made the mistake the Communists made, that the Mariners made, the 5-Pointers made and all the other things. They considered the rank and file to be stupid.

When you start to consider rank and file stupid, you better start looking for another country, because they are not. Here's a guy that runs for office and he promises them \$500 pensions, \$1,000 loan and a hotel. The other guy runs and he promises them more than this guy, so that this guy is a piker. The other guy promises them everything and the funny part about this is that the guy that promised the most got the least in votes.

This membership knows the struggle it took to build this organization and to get the things they got. Sure, they want more; there's no question about that, but looking at that guy with those pie-in-the-sky promises, they know he's not the guy that's going to get it for them. He's not interested in getting it for them, so they're not going to go for that.

If you'll notice, I advocated an I think most of our people did it, we made no rash promises. As a matter of fact, I told them I wouldn't insult their intelligence by saying anything comes easy. Everything is difficult to come by and you have to take it at face value, the record that I have lived on, also for the other guy. And that membership voted solidly, right down the line. And we were interfered with by the government forces like no one else has been interfered with. There wasn't a member that came in there to vote that didn't see the badge of the Department of Labor looking down over his shoulder.

The first day or two, the Department of Labor was going to grab them and hold them before they could even go into the ballot booth, where's your book, etc., and they were going to do all kinds of things until we put our foot down on it. We said that they couldn't do that.

So I don't think any membership has been subjected to the kind of coercion and the kind of pressure that our members were put under during this election. And still, when the votes were counted, they were far better proportionately than any other election return in history. Numerically, there were about the same number cast, but there's an important fact that you have to remember: Since 1966 up to 1969, 5,700 men with 20 years of service retired from this union, and they were all votes for the administration, because they were oldtimers and they're not about to buy any pie from anybody.

Now, they're gone, so even with those gone and they still voted some 24,000 which was an equal number and which is something that people say you can't do today. We bridged the generation gap, because a vast majority of those votes for the administration came from the youngsters and proved beyond a shadow of a doubt that you are not going to fool the real youngsters. Yes, there are a few screwballs running around, but the vast majority of these young guys that are working aboard the ships and who've been a part of this union long enough to know what it stands for and where it came from and how difficult it is to get the things that you have to fight for. So that we really saw a membership stand up to be counted in this election and we can be pretty proud of that. So when you observe that membership, when they come in through that door and you know they voted in this election, they're entitled to the best kind of service you can give them; the best kind of service you can give them, because they are stand-up trade unionists; stand-up trade unionists and are entitled to the best kind of service that any of the administration can give them.

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There are a few other things that also show the solidarity of this membership.

I don't believe that anybody has seen the type of and character of carrying-on done by these people.

In the days of the Communists it was mighty tough, mighty tough, but we didn't have anybody from government. We didn't have the police and we didn't have anybody else bother us. They just said let them fight it out and we did and we beat them. This time, one of our people just looked at one of these people just looked at them, that's all and was handed a summons to appear in Court for harassment.

The Department of Labor Representative who sat in the office of the agent of this Port of New York and was the receiver of complaints, never had a moment of peace. These people were running in with complaints on every conceivable thing you could think of.

There was a set of demands made, that the name of Curran be taken out of the Pilot because it was election propaganda that they get access to the Pilot for their propaganda. And I warned that if the government decided that they would be given access to the Pilot, we would not print the Pilot until the election was over, because we would not have a repeat here of what happened in '47 and '48 and if any of you read the Pilot in those days, they were the most miserable looking papers that ever existed. There was the most miserable type of propaganda by the Communists because they dominated the Pilot and they dominated the union at the time.

I was lucky to be able to write a column. The editor of the Pilot at that time was a very important member of the Party and he used to take out line after line out of my column and just add in an editor's note that he either deleted something or he put his footnote under it. One column we got Ferdinand Smith; another column we got McKenzie and another column Meyers and squeezed in between we got a column by Curran.

But the one thing that we did have that they couldn't squeeze out of that Pilot was the voice of the membership, and believe me, it was some voice. If you heard that voice of the membership, it was terrific in those days, but it was not good; it was not good, because to the outside reader of that paper it would indicate that this was not a trade union but an anarchistic irresponsible set up and we cannot afford that in these days and I advised them if that they got authority to use the Pilot equally with us then we would take the Pilot off the market, until after the election was over. So they didn't get it. For some reason or other, it was agreed that we would distribute their literature and so on and so forth and access to the Pilot was not permitted; however, the Pilot was censored.

The editor of the Pilot, public relations man, Rakin, spent a lot of extra time in trying to put together a Pilot.

And what picture did they get in Panama, while we were in Panama doing an organizing job with Vice-President Martin and Rene over there trying to help organize in Panama? A picture was put in the Pilot of us attending a function and they cut out President Curran and his wife because that would be electioneering. Another picture that was taken and put in the Pilot had Shannon standing at one end of it and the caption underneath that started reading from left to right, there was no Shannon Wall.

Now, this is the kind of stuff that we were up against.

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Then the question came down, what the hell can you print? And they were in a real mess to try and figure out what few pictures we could get in there. During the period the organizing of the union suffered; the administration of the union suffered and generally, confusion existed. The voice of the membership had to be removed from the Pilot, the voice of the rank and file and this is supposed to be a free country with a free trade union movement.

Now, I asked the Editor of the Pilot to publish a box in the Pilot. It was a little milder than I wanted it done. I would have gone it much stronger, but I suppose that was in the old days. And it said in the Pilot that the Voice of the membership was out of the Pilot at the request, or something like that, of the Department of Labor.

Now, this is what we had to do. And even that, the membership took no umbrage at it. They just went ahead and did their job and they came in. Despite all this, all the boys, everything that went on in spite of that, they voted and voted, in my opinion, the way I would have voted. Because the one thing that these people haven't learned, and I have given this advice to the opposition for years and years and years and they still won't learn, is that you can engage in overkill. They put out so much propaganda that you couldn't sift it out, it's so heavy. And over and over again, they said the same thing, trying to develop a technique that Adolph Hitler practiced, which was that if you tell the big lie enough you finally are bound to get the vote. The only trouble with them and the difference is, Hitler said it in one sentence and they used five or ten pages to say it. So it became lost and became repetitious in such a way that they had nothing to go with it. As a result they failed.

We went ahead with the same system. We put out a card with the team on it and we put out one or two pieces of literature and that were to the point, paper on the election, white paper on the election and white paper on the court action and one or two other items and that was all.

There were a lot of people who wanted to answer everything they put out. What good does it do you to answer? As you heard me say at the meeting yesterday, when this guy hollered in the back of the hall, as I said, you see, they holler when they're hurt and there's no use of us trying to answer everything because then we dignify it. We give them the opportunity to answer it and to score a point.

One thing I'd like to point out that we put a statement out that there was a very strong report running around the waterfront that they had received funds from the SIU and all they printed was a piece of literature, saying that Curran is a Liar. That's all. They didn't put no more out. Just said, Curran is a Liar.

Well, I happen to know that the SIU man was here, if you remember, and I got ahold of Hall after the election was over and he said, "sure, I paid his hotel bill in the St. George Hotel and I gave him a few nickels and after all, Curran, you got your problems and I got my problems." That's about the sum and substance of it. There was a very important line in that propaganda, I know, that I hope you didn't miss. There was a line in there that the pension and welfare plan would not succeed in the hands of the shipowners and union officials, but should be put in the hands of a trusted insurance company.

Now, I'm sure that there are insurance agents around that would put out a few nickels against getting the kind of premiums that would come out of taking over a hundred and fifty million dollar plan, so that they might have got a few nickels in that field. I'm sure in that field.

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And I am sure that there are lawyers around the front that would want to get into this field.

There are other people, and I am sure that the STU don't all by and say, "No, no, no, we respect the NMU; we cooperate with them and we're not going to help you. They're our friends." I am sure they didn't say that.

So that the sources for funds were available, but in spite of all this, I happen to know that though they bragged about getting money off the ship, they got very very little off the ship. There was one or two ships in New York that put out the money. I understand that a bartender on one of those ships here, gave all he had, gave them all he had. And I understand that they paid one guy to run against me. I understand that Arelline was paid \$500 by this gang to run against me because his name started with "A" and they wanted somebody with an "A" to be on top and then Haake and Dinko would be underneath and Curran would be with them. So this may not be true; it may be false; but the story is one of the stories that you get. Dinko put out a piece of literature and as far as I am concerned, unless our lawyers advise us differently, I intend to make the most of the federal money in this area. He said this union was controlled by the Mafia and that could be the furthest thing from the truth. The Mafia wouldn't even come into this thing because they consider it too anarchistic, too anarchistic. I don't believe there's any money in it for them.

Well, these kind of things you can't leave laying around. You can't leave these kind of things laying around because if you say nothing about it, then somewhere down the line, somebody else will say, "See, they said nothing about it and so it must be true; there must be some smoke where there is fire." So I put all these things on the table. I spent a little time on it and I think it is important to all of us to get the lessons there are to gain from this type of thing.

Now, you see, these people are demanding of those behind them that they carry on the fight. I have reason to believe that that is not going to be done. They may get a dribble, but there is nothing as lost as a loser and there's nothing as dead as a defeated person running for any office. So that I doubt very much if they will be able to get the momentum to go anywhere.

There is no doubt in my mind that Morrissey's operations will continue, I have reason to believe, on various things; like, they were suing at the present time, four or five of our officers, the agent of the Port of New York and a few others on the basis that they mis-used the Pension and Welfare set-up to take care of professional boxers. They fed them and housed them and took care of them and we have been commended by the Boxing Commission of the State of New York for the fine work we did in taking young boxers out from under the contamination and the domination of the racketeers and all we did was train them in the training schools. We put them to work and they worked and maintained themselves like that, and I think that in case if it ever came to court we would be able to bring in witnesses that they wouldn't want to see like the Commissioner of Boxing in the State of New York. I have letters and material from these people praising our efforts in that field. The boxers got every penny that was coming to them from the fight. Nobody took a thing from them except the bare necessities for training facilities that had to be paid for under the licensing arrangement. We did everything we could to keep it on the up and up and clean. We had celebrities come in to help -- Joe Louis, Robinson and Ortiz, some of the finest guys around to appraise the situation.

820E

PLAINTIFF'S EXHIBIT 22

National Council Meeting
March 13 1969

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I have advised the Coast Guard and others that we will make this a collective bargaining agency and we will notify the shipowners come June 5th, see, that any man who is aboard the ship as an ordinary seaman who can prove that he has ten months at sea, one month in the training school when he started and one month when he completed, they have to pay him AB's wages and this will take it out of the argument. Then we don't care if the law stays on the books from now until Noah builds another Ark, because we will overcome it by that.

In talking to the Coast Guard the indication is that this will help; that this will help them get the thing straightened out, because they agree that the need for 3 years apprenticeship for an ordinary seaman, is after all, only a means of supplying cheap labor. When I started to go to sea, they actually had another rating that they created when they saw me come down the pike, deckboy. And the deckboy got \$15 less than the ordinary seaman. He spends the day as an ordinary seaman. So it was only a means to get a little cheaper labor on the ship and this is the way the law was covered.

So that what we have done is to tell them that we intend to make this a collective bargaining procedure and Gene has drawn up the language to take care of it and I think it is going to help us tremendously in this situation.

So then we have the Executive Director of the Pension & Welfare Plan here, Al Shapiro. Oh, you're speaking now? I don't know whether -- did Popor come in? Well, this is the man that was just named Safety Director and if any of you are down in the place sometime where his family lives, his mother makes the best Polish sausage you could ever eat.

I ought to know. I ate a lot of it.

VOICE:

Is he Polish?

PRESIDENT CURRAN:

Oh, cut that out.

(Laughter)

I didn't say he was Polish, did I? I just said that his mother makes the best Polish sausage. That don't make him Polish, does it?

What are you talking about? What's that, Kalbassy? Is that Polish? All right.

So I think now we have covered most everything, except to get a report from the Appeals Committee on some of the appeals. Is Morrissey appealing the election?

VOICE:

No.

PRESIDENT CURRAN:

So what appeals do you have?

MR. MARTIN:

Mr. President, we have none.

Plaintiff's Exhibit 23

821E

beyond any question that there is no disunity in NMU and no question about where we are going.

Real gains are not going to be made by people who will promise you pie-in-the-sky and have no idea of how they are going to achieve it. That kind of "leadership" can only tear your Union apart and destroy all you have worked so hard to build.

No one person can run this Union but one wrong man in any position of responsibility can disrupt it. We need officials in all positions who know the work they will have to do and who can work together for the service of the membership. That team is going to need the firm support and active participation of you, the membership, in all Union affairs.

That is why I am asking your support, not only for myself, but for the team of officials endorsed by

the Committee for the Administration. They are men and women who have the necessary experience, who have no obligation except to serve you.

I urge you to elect the full team and to elect it by the kind of vote that will leave no question in the mind of shipowners, Congress, government agencies or of any enemies of our Union that NMU is united and we will continue to go forward at full strength on a true course.

Fraternally,

Joseph Curran

protect your future—vote for the entire Curran team

National Office and Nat'l Council

Port Patrolmen

- 2 35 71
- 6 38 73
- 7 41 74
- 12 43 75
- 13 46 76
- 16 47 78
- 20 49 79
- 24 52 80
- 27 56 81
- 30 57 82
- 32 64 84
- 34 69 87

- 100 163 199 235
- 102 166 202 236
- 103 168 204 239
- 106 169 207 242
- 119 171 208 243
- 130 172 211 247
- 134 179 216 249
- 136 180 217 250
- 141 182 218 252
- 143 183 220 253
- 144 186 227 254
- 147 188 228 255
- 151 190 230 256
- 156 192 231 257
- 160 198 233

LEADERSHIP, EXHIBIT 23, CURRAN TEAM



822E

JAMES M. MORRISSEY

white, male, age 49 yrs., born 10-13-16, 5'11" tall

Social Security # 047-07-0795

Addresses

Present - 2021 Pelisades Ave., Bronx

Former - 2501 Henry Hudson Parkway, Bronx (1965)
 3640 Johnson Ave., Bronx (1962)
 939 Woodycroft Ave., Bronx (1954)
 1050 Anderson Ave., Bronx (1947)
 315 West 95th St., N.Y.C. (unknown)

Telephones

NY 9-2771 (home and business) (unpublished number)

Business

Present - United States Liner, 1 N'way, N.Y.C. (Seaman)

Former - National Maritime Union, 346 W. 17th St., N.Y.C.
 (1949-1953) (Business agent)

Activities

1. Editor of "The Call", publication of the newly-formed "COMMITTEE FOR N.M.U. DEMOCRACY", apparently a group of dissidents or insurgents within this union. Volume 1, Number 1 of "The Call" was published in August 1966. (See below re P.O. Box 2754 - PO NYC)
2. Candidate for office of Secretary-Treasurer of the N.M.U. in April-May 1966 elections.

Marital Status

Married, wife's name is Anna, maiden name unknown
 One known child, name unknown
 Wife is employed as school teacher at:
 Present - St. John's Elementary School, Bronx
 Former - St. Athanas P.C. Elementary School, Bronx (1962)

Criminal Records

Date	Name	City	Charge	Disposition
4-9-38	James Morrissey	Greenwich, Conn.	Fugitive from Bridgeport, Conn.	Turned over to Bridgeport Auth
5-2-38	James Morrissey	Bridgeport, Conn.	Break, Enter, Robbery with violence	6-21-38 Indef. Sentence, Conn. Reformatory (Cheshire, Conn)

Traffic Violations

Date	Charge	Disposition
4-5-65	Obstruct intersection	\$5 fine paid 8-10-65
6-22-65	Commercial vehicle on pkway	Warrant issued 7-15-65

8235

-2-

J.M. MORRISSEY (continued)

Motor Vehicle Information

Chauffeur Licence - M183821000391563

Vehicle - Present: 1963 Pontiac Station Wagon White 5C 709
(1965 New York Registration)

Former - Make and year unknown, but plate was
170-224 Commercial (1964-1965)

P.O. Box 2754 - G.P.O., New York, N.Y. 10001

2-9-66 Subscribed to by James M. Morrissey, 2621 Palisades
Ave., Bronx, who stated he was "running for office
in the N.M.U." and who listed his occupation as
"Seaman".

7-26-66 Morrissey changed his listed occupation with Post
Office from "Seaman" to "Editor of The Call, a
publication of the "Committee for N.M.U. Democracy".
His address and telephone number remained unchanged.

Committee for N.M.U. Democracy

Mailing address - P.O. Box 2754 G.P.O., N.Y.N.Y. (see above)

Telephone - N.Y. Telephone Co. has no record of any phone
under this "Committee's" name; Morrissey uses
his home phone for this purpose.

County Clerk's Office Check:

County Clerk's Offices - New York And Bronx Counties - were
checked with negative results re:

Comm. for N.M.U. Democracy - No Cert. of Incorporation filed

James M. Morrissey - No Cert. of Partnership filed
No Cert. of Conducting Business Under An
Assumed Name filed.

824E

DETAILS:

Monterey James complain of some throwing
water from building on him and companions

CAUSE:

(If injured, sick or dead)

not injured

Name and address of union identification of witnesses. (If none -- so state)

Was reporting M/A or P.H.
a witness

Reported by:
Port P.H.
M/A

Signature: *Thomas J. Jordon*

Certified as correct by:

Signature: *Thomas J. Jordon*

Plaintiff's Exhibit 24

825E

Date of Report 9-17-68	Last Name Morrison	First name and initials J. Jones		S.S. No.	Book No.	Dept.
Time 3-PM	Address			Z. No.	Sex Male	Age
Date of occurrence 9-17-68	Place of Occurrence (exact) 1236 St. ...			Birth Date 7-17-68	Birth Place	
Time 3-PM	Injured	Sick	Dead	To:	Home	
Nature of illness, injury or occurrence None					Police	
Police officer responding None		Shield No.	Command	Amb. Attendant responding None		From (Hospital) None
Notified Whom?		Date	Time	Received By		Sent By
			AJA PM			

826E

Date of occurrence 11/8/65		Last Name Investigation by PO - me		First name and initials		S.S. No.		Book No.		Dept.	
Time 4:45 AM PM		Address Election				Z. No.		Sex		Age	
Date of Report		Place of Occurrence (exact)				Birth Date		Place			
Time AM PM		Injured		Sick		Dead		Yes		Home Police Hospital	
Nature of illness, injury or occurrence During Election Campaign - Crowley J. J. McFadden										Fatal Serious Slight Unknown	
Police officer responding		Shield No.		Command		Amb. Attendant responding		From (Hospital)			
Notified Whom?		Date 9		Time AM PM		Received By		Sent By			

827E

DETAILS: Postal Inspector present to complete investigation
complaint made by one J. L. Kelly + James W.
Eller on 4/16/66 - Ballou + US Post office
not come to report with. -

CAUSE: McFadden - A to 338480-971-7648

(If injured, sick or dead)

Names and addresses or union identification of witnesses. (If none -- so state)

Was reporting M/A or PH.
a witness

Reported by:
Part PH.
M/A

Signature

Certified as correct by:

Signature

Plaintiff's Exhibit 24

828E

NMU PENSION & V

SEAMAN EMPLOYMENT

SOCIAL SECURITY NUMBER			NAME	DATE			SHIP CODE	CO. CODE
				REF	RECD	VR		
047	07	0795	MORRISSEY JAMES M		9	62	0605P	032
047	07	0795	MORRISSEY JAMES M		9	62	0605P	032
047	07	0795	MORRISSEY JAMES M		10	62	0605P	032
047	07	0795	MORRISSEY JAMES M		10	62	0605P	032
047	07	0795	MORRISSEY JAMES M		4	63	0605P	032
047	07	0795	MORRISSEY JAMES M		5	63	0605P	032
047	07	0795	MORRISSEY JAMES M		6	63	0605P	032
047	07	0795	MORRISSEY JAMES M		8	63	0605P	032
047	07	0795	MORRISSEY JAMES M		7	63	0605P	032
047	07	0795	MORRISSEY JAMES M		7	63	0605P	032
047	07	0795	MORRISSEY JAMES M		9	63	0605P	032
047	07	0795	MORRISSEY JAMES M		9	63	0605P	032
047	07	0795	MORRISSEY JAMES M		9	63	0605P	032
047	07	0795	MORRISSEY JAMES M		10	63	0605P	032

UNITED STATES

LONG ISLAND SOUND, N.Y.

829E

FARE PLAN

REPORT

VOYAGE PERIOD						NO. OF DAYS	AMOUNT	
FROM			TO					
MO.	DAY	YR.	MO.	DAY	YR.			
3	23	62	9	5	62	14	18320	74
7	6	62	9	18	62	13	17012	108
8	19	62	10	2	62	14	18320	50
10	5	62	10	17	62	13	17012	81
						56	75788	
4	6	63	4	22	63	17	22246	133
4	23	63	5	7	63	15	19629	62
5	8	63	5	23	63	16	20938	25
6	6	63	6	18	63	13	17012	92
6	19	63	7	2	63	14	18320	43
7	3	63	7	16	63	14	18320	74
7	30	63	8	15	63	17	22246	215
8	16	63	8	28	63	13	17012	180
8	29	63	9	10	63	13	17012	245
9	11	63	9	24	63	14	18320	200
						146	191055	
						491	635621	

UNITED STATES LINE

"

"

"

"



Plaintiff's Exhibit 24

830E

NMU PENSION & A

SEAMAN EMPLOYMEN

FI-098

NAME OF VESSEL
VIRGINIA (T)

INDEPENDENCE

AMERICA

UNITED STATES

SOCIAL SECURITY NUMBER			NAME	DATE REPORTED			SHIP CODE	CO. CODE
				OT	MO	YR		
047	07	0795	MORRISEY JAMES M		1	60	0510	124
047	07	0795	MORRISEY JAMES M		3	60	0610	124
047	07	0795	MORRISEY JAMES M		10	60	0610	124
047	07	0795	MORRISEY JAMES M		11	60	0610	124
047	07	0795	MORRISEY JAMES M		1	61		114
047	07	0795	MORRISEY JAMES M		1	61		114
047	07	0795	MORRISEY JAMES M		1	61	0290P	00
047	07	0795	MORRISEY JAMES M		2	61		12
047	07	0795	MORRISEY JAMES M		5	61	0022P	03
047	07	0795	MORRISEY JAMES M		6	61	0605P	03
047	07	0795	MORRISEY JAMES M		7	61	0605P	02
047	07	0795	MORRISEY JAMES M		7	61	0605P	02
047	07	0795	MORRISEY JAMES M		8	61	0605P	0
047	07	0795	MORRISEY JAMES M		9	61	0605P	0
047	07	0795	MORRISEY JAMES M		8	61	0605P	0
047	07	0795	MORRISEY JAMES M		10	61	0605P	0
047	07	0795	MORRISEY JAMES M		8	61	0605P	0
047	07	0795	MORRISEY JAMES M		9	61	0605P	0
047	07	0795	MORRISEY JAMES M		9	61	0605P	0
047	07	0795	MORRISEY JAMES M		10	61	0605P	0
047	07	0795	MORRISEY JAMES M		11	61	0605P	0
047	07	0795	MORRISEY JAMES M		12	61	0605P	0
047	07	0795	MORRISEY JAMES				0605P	

Plaintiff's Exhibit 24

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100

FARE DIARY

VOYAGE PERIOD						NO. OF DAYS	AMOUNT STRAIGHT TIME FARE	Pg. NO. OF REPORT
FROM			TO					
DAY	YR.	MO.	DAY	YR.				
5	60	7	19	60	15	18692	20	
20	60	8	24	60	36	44861	19	
25	60	10	4	60	41	51091	4	
5	60	10	12	60	8	9969	11	
22	60	12	31	60	10	12462	4	
					110	137075		
1	61	1	5	61	5	6230	4	
18	61	1	26	61	9	12469	18	
2	61	2	16	61	15	21437	7	
11	61	5	2	61	22	27072	115	
24	61	6	5	61	13	18011	52	
6	61	6	21	61	16	19689	21	
22	61	6	22	61	1	1231	50	
6	61	7	18	61	13	15997	23	
6	61	7	18	61		640	193	
19	61	7	31	61	13	15997	86	
19	61	7	31	61		640	379	
1	61	8	15	61	15	19197	41	
16	61	8	28	61	13	16637	128	
16	61	9	22	61		345	89	
26	61	10	9	61	14	17917	256	
23	61	11	6	61	15	19197	187	
7	61	11	21	61	15	19197	103	
					179	231903		
7	62	8	8	62	2	5124	56	

NAME OF COMPANY

TEXACO, INC

NATL PULP CARRIERS INC

AMERICAN EXPORT LINE

TRINIDAD CORP.

UNITED STATES LINES

Plaintiff's Exhibit 25

832E.

Defendants' Exhibit B

833E
Ralph Ibrahim
108 Elwood Street
New York, New York

July 27, 1971

Joseph Curran, President
National Maritime Union
36 Seventh Avenue
New York, New York

Dear Brother Curran,

The union membership should be made aware of the fact that the union administration's attempt to limit our constitutional rights to disseminate information within the union hall was made null and void.

It should be brought to the memberships attention that James Morrissey subjected himself to criminal prosecution in order to establish this principle. Consequently I demand on the behalf of the membership that this letter and the two enclosed articles written by James A. Wechsler of the New York Post on this issue, be presented in full in the next issue of the Pilot.

Fraternally,

Ralph Ibrahim

Ralph Ibrahim
Bk. 87289

hm/RI

cc to/ Shannon Wall, Sec. Tres.
Mr. Freedman Atty.
C. Sovel Atty.
B. Raskin
Editor/Pilot
Mel Wolf ACLU
P. Chevigney N.Y. CLU
A. McInerney Atty.
W. Berry U.S. Labor Dept.
J. Wechsler N.Y. Post

834E

Court's Exhibit 1

THE JURY WOULD LIKE REREAD:

A) ^{THOSE PARTS} THAT PART OF THE COURT'S CHARGE TO THE JURY ~~IS~~ STATING THE CIRCUMSTANCES UNDER WHICH THE UNION ITSELF COULD BE HELD ACCOUNTABLE ON EITHER CHARGE.

B) THOSE PARTS OF JAMES KIMMO'S TESTIMONY DEALING WITH HIS RELATIONSHIP WITH THE DEFENDANT UNION AND THE DUTIES AUTHORITY OF HIS POSITION OF MASTER AT ARMS.

THE JURY WOULD LIKE TO EXAMINE:

A) THE CONSTITUTION OF THE DEFENDANT UNION SUBMITTED IN EVIDENCE (AMENDED THROUGH 1969)

Court's
EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

APR 17 1975

1 id.

835E

Court's Exhibit 2

THE JURY WOULD LIKE TO KNOW WHETHER IT HAS
BUT POWER TO ALLOCATE PRIZES, IF ANY,
FROM THE VARIOUS DEFENDENTS' INTERESTS IN THE
SUBJECT IS BEING, OR IS BEING
AUTOMATICALLY & EQUALLY APPOINTED?

Court's
EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

APR 17 1975

11 id.

836E

Court's Exhibit 3

BY THE JURY EXAMINE ^① THE LITERATURE
SUBMITTED IN EVIDENCE AS HAVING BEEN
DISTRIBUTED BY PLAINTIFF, DEFENDERS IDENTIFIED
AS:
A) DISTRIBUTED ON JULY 1, 1971
B) PREVIOUSLY DISTRIBUTED

② THE RECORDS OF THE ARREST, SPECIFICALLY
INCLUDING A FORM SHOWING BY WHOM THE
ARREST WAS MADE & COMPLAINTS FILED

Court's
EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

APR 17 1975

Bid

837E

Court's Exhibit 4

- A) THE JURY BELIEVES THAT THE PORTION OF THE CHARGE READ BEFORE CAME TO THE SECOND CHARGE OF ACTION, AND THAT FURTHER COMMENTS IN REGARD TO THE CULPABILITY OF THE CLAIM ITSELF WERE MADE IN DISCUSSION OF THE FIRST CHARGE OF ACTION. COULD THIS PORTION BE RECALLED?
- B) COULD THE COURT EXPLAIN SPECIFICALLY THE PHRASES "AS AN EMPLOYEE", "IN THEIR CAPACITY AS OFFICERS OF" AND LIKE PHRASES USED IN THESE PORTIONS OF THE CHARGE TO THE JURY, SPECIFICALLY INCLUDING WHETHER ACTS, TO BE CONSIDERED SO TAKEN, MUST HAVE BEEN WITHIN THE SCOPE OF AN INDIVIDUAL'S AUTHORITY?

Court's
EXHIBIT
U. S. DIST. COURT
S. D. OF N. Y.

APR 17 1975

4 id

838E

Additional Documents Designated by Plaintiff

April 21, 1975

Duer & Taylor
74 Trinity Place
New York, New York 10006

ATTENTION: Arthur E. McInerney, Esq.

Nicholas A. D'Onofrio
217 Broadway
New York, New York 10007

ATTENTION: Frank V. Mina, Esq.

Re: James H. Morrissey v. National Maritime
Union of America, et al., 72 Civ. 2362

Dear Sirs:

This morning Robert G. Gaillard, the Foreman of the jury in the above captioned case, delivered a letter to my chambers, a xerox copy of which is enclosed.

If counsel wish to make any application with regard to this letter, they are directed to do so by April 24, 1975.

Very truly yours,

Robert J. Ward

Enc.

APRIL 21, 1975

839E

HON. ROBERT J. WARD

FEDERAL COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

RE: JAMES MORRISSEY V. NATIONAL MARITIME UNION, ET AL.

JUDGE WARD:

DURING THE VERDICT PRIOR TO SELECTION OF THE JURY ON THE ABOVE CASE, A QUESTION WAS ASKED OF THE PANEL IN GENERAL AS TO WHETHER ANY OF THEM OWNED ANY STOCK IN ANY COMPANY WHICH WRITES LIABILITY INSURANCE. BY REMAINING SILENT ON THE QUESTION I EFFECTIVELY RESPONDED IN THE NEGATIVE.

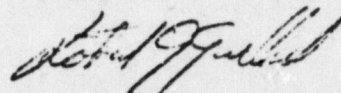
SUBSEQUENTLY (ON SATURDAY, APRIL 11), WHILE READING AN ANNUAL REPORT, I REALIZED THAT THE HARTFORD FIRE INSURANCE COMPANY, WHICH I BELIEVE DOES WRITE LIABILITY INSURANCE, IS A WHOLLY-OWNED SUBSIDIARY OF THE INTERNATIONAL TELEPHONE & TELEGRAPH COMPANY, OF WHICH MY WIFE AND I JOINTLY OWN 28 SHARES (PLUS A FRACTION). IT WOULD APPEAR THAT MY ANSWER TO THE ABOVE QUESTION SHOULD HAVE BEEN POSITIVE.

ALTHOUGH I HAD KNOWN BEFORE THAT HARTFORD IS OWNED BY ITT, I DID NOT MAKE THE CONNECTION AT THE TIME THE QUESTION WAS ASKED OR AT ANY OTHER TIME PRIOR TO A VERDICT BEING ENTERED, AND THE CONNECTION HAD NO EFFECT ON ME DURING THE JURY'S DELIBERATIONS.

NEVERTHELESS, SINCE THE QUESTION WAS ANSWERED
INCORRECTLY WHEN ASKED, I FELT IT NECESSARY TO
CALL THE DISCREPANCY TO YOUR ATTENTION IN CASE IT
SHOULD BE DEEMED RELEVANT BY THE COURT, OR IN
CASE YOU SHOULD WISH TO CALL IT TO THE ATTENTION OF
COUNSEL FOR EITHER PARTY IN THE CASE TO DETERMINE
WHETHER THEY THINK IT RELEVANT

SHOULD YOU HAVE ANY QUESTIONS ON THIS, I WOULD BE
GLAD TO DISCUSS IT WITH YOU FURTHER AT YOUR
CONVENIENCE. I WILL BE ON JURY DUTY IN THIS BUILDING
FOR THE REMAINDER OF THIS WEEK.

RESPECTFULLY YOURS,



ROBERT G. GAILLARD

HON. ROBERT J. WARD

UNITED STATES COURT OF APPEALS
FOR THE SECOND COURT

JAMES MORRISSEY

Plaintiff- Appellant- Appellee

- against -

NATIONAL MARITIME UNION OF AMERICA

Defendant- Appellant- Appellee

Index No.

Affidavit of Service by Mail

STATE OF NEW YORK, COUNTY OF NEW YORK

ss.:

I, Eugene L. St. Louis being duly sworn,
depose and say that deponent is not a party to the action, is over 18 years of age and resides at

1235 Plane Street, Union, N.J. 07083

That on the 7th day of November 1975, deponent served the annexed Joint Exhibit Vol.

upon 1) Harold E. Kohn P.A.

attorney(s) for

2) Kenneth J. Finger

in this action, at 1) 1700 Market Street, Phila, Pa.

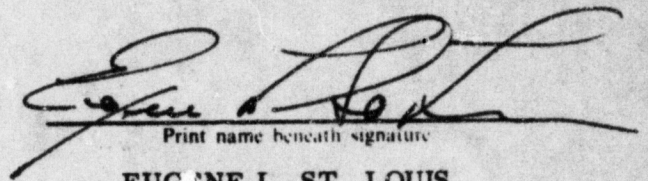
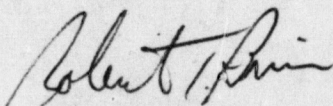
2) 14 Mamaroneck Ave, White Plains, N.Y.

the address designated by said attorney(s) for that
purpose by depositing a true copy of same, enclosed in a postpaid properly addressed wrapper in a
Post Office Official Depository under the exclusive care and custody of the United States Post Office
Department, within the State of New York.

Sworn to before me, this
day of November

7th

19 75


Print name beneath signature

EUGENE L. ST. LOUIS

ROBERT T. BRIN
NOTARY PUBLIC, State of New York
No. 31-0418950
Qualified in New York County
Commission Expires March 30, 1977

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JAMES MORRISSEY,
Plaintiff- Appellant- Appellee

- against -

NATIONAL MARITIME UNION OF AMERICA
Defendant- Appellant- Appellee

Index No.

Affidavit of Personal Service

STATE OF NEW YORK, COUNTY OF NEW YORK

ss.:

I, Victor Ortega, being duly sworn,
depose and say that deponent is not a party to the action, is over 18 years of age and resides at
1027 Avenue St. John, Bronx, New York

That on the 7th day of November 1975 at see attached

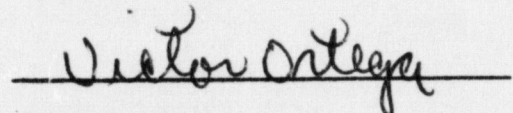
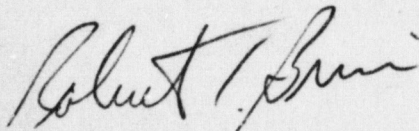
deponent served the annexed

upon

see attached

the Attorney in this action by delivering a true copy thereof to said individual
personally. Deponent knew the person so served to be the person mentioned and described in said
papers as the Attorney(s) herein,

Sworn to before me, this 7th
day of November 1975


VICTOR ORTEGA

ROBERT T. BRIN
NOTARY PUBLIC, State of New York
No. 31-0418950
Qualified in New York County
Commission Expires March 30, 1977

FEDER KASOVITZ & WELDER
450 Seventh Ave
New York, N. Y.

~~ABRAHAM E. FREEDMAN~~
~~346 West 17th Street~~
~~New York, N. Y.~~

DUER & TAYLOR
74 Trinity Place
New York, N. Y.

BLOOM & EPSTEIN
110 East 42d Street
New York, N. Y.

CONSTITUTION

AS AMENDED OCTOBER, 1969

NATIONAL MARITIME UNION OF AMERICA



FOUNDED MAY 3, 1937

AFFILIATED WITH THE
AMERICAN FEDERATION
OF LABOR
AND
CONGRESS OF
INDUSTRIAL ORGANIZATIONS

CONSTITUTION
OF THE
NATIONAL MARITIME UNION
OF AMERICA

FOUNDED MAY 3, 1937

AFFILIATED WITH THE
AMERICAN FEDERATION OF LABOR AND
CONGRESS OF INDUSTRIAL ORGANIZATIONS



AS AMENDED BY 15th NAT'L CONVENTION, OCT., 1969

LINE OF AUTHORITY
NATIONAL MARITIME UNION OF AMERICA

MEMBERSHIP REFERENDUM

(HIGHEST AUTHORITY IN UNION)

VOTES ON

CONSTITUTIONAL AMENDMENTS

ELECTION OF OFFICERS

POWERS OF OFFICERS

MAJOR POLICY AND PROGRAM DECISIONS

GENERAL STRIKES

NATIONAL CONVENTION

ACTS ON

CONSTITUTIONAL AMENDMENTS

RESOLUTIONS ON POLICY AND PROGRAMS

REPORTS OF OFFICERS

LEGISLATION AND POLITICAL ACTION

APPEALS

NATIONAL COUNCIL

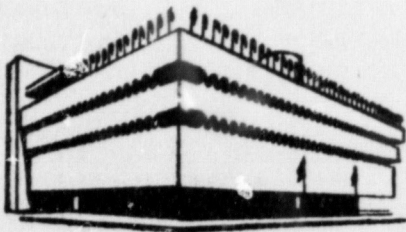
ADMINISTERS

**UNION CONSTITUTION, RULES AND REGULATIONS
DECISIONS OF MEMBERSHIP REFERENDUMS
RESOLUTIONS OF NATIONAL CONVENTION
DEPARTMENTS OF UNION
BRANCHES AND SUB-BRANCHES
BUSINESS AFFAIRS OF UNION
UNION FINANCES
EMERGENCY DECISIONS**

NATIONAL OFFICE

ADMINISTERS

**UNION CONSTITUTION, RULES AND REGULATIONS
DECISIONS OF MEMBERSHIP REFERENDUMS
NATIONAL CONVENTIONS AND NATIONAL COUNCIL
SUPERVISION OF DEPARTMENTS, BRANCHES,
SUB-BRANCHES, BUSINESS AFFAIRS AND FINANCES
EMERGENCY DECISIONS
TEMPORARY APPOINTMENTS**



National Headquarters
NATIONAL MARITIME UNION OF AMERICA, AFL-CIO
36 Seventh Avenue, New York, N.Y. 10011
Offices in 32 Cities

FIRST PRINTING — 30,000 — JANUARY 1970



PREAMBLE

WHEREAS, organization is the only means by which the maritime workers may hope to advance their interests and attain final emancipation from the many evils attending their calling, and

WHEREAS, we have learned from bitter experience that the main aim and purpose of the employing interests is at all times to divide and keep apart organizations endeavoring to unite for their common interests, and

WHEREAS, the industrial form of organization will insure more unified and harmonious action in all matters directly affecting the interests and welfare of our members, we,

THEREFORE, declare ourselves in favor of the organization of an Industrial Union, to be known as the NATIONAL MARITIME UNION OF AMERICA, and we further declare that in order to protect the interests of the majority of the membership who are aboard ship and in Ports throughout the world, we have adopted this Constitution.



CONSTITUTION

ARTICLE I

OBJECTS

Section 1 — Name: This organization shall be known as the NATIONAL MARITIME UNION OF AMERICA, and for the purpose of brevity is to be known as the NMU. Affiliation herewith shall not interfere with the religious or legitimate political activities of its members. Membership in, participation or support of any Nazi, Facist, or Communist organization shall not constitute legitimate political activity hereunder.

Sec. 2—Powers: The powers exercised by the National Council, hereinafter provided for, shall be only those powers granted to it by the members of the Union, acting through a Convention composed of duly elected delegates, and the National Council shall not exercise any powers not specifically granted to it by the membership in this Constitution.

Sec. 3—Objectives: The NATIONAL MARITIME UNION shall strive to achieve the following objectives:

Organizational:

(a) To unite in one organization, regardless of race, creed, color, sex, nationality, religion or political affiliation, all workers eligible for membership who are directly or indirectly engaged in the maritime industry.

ARTICLE 1 — OBJECTS

(b) To cooperate with all other maritime unions for the purpose of defending the interests of the maritime workers, and to bring about the unification of all maritime workers and organizations on a national and international scale.

(c) To assist the maritime workers of other countries in the work of organization and federation to the end of establishing the Brotherhood of the Sea.

(d) To promote the extension of trade union principles, and the organization of all unorganized workers into trade unions, and the affiliation of all trade unions to national and international labor organizations.

(e) To engage in such other activities as may be necessary or proper to strengthen the labor movement and to extend the process of free collective bargaining throughout all trades and industries.

Economic:

(a) To increase the wages and improve the conditions of employment of our members by political action, legislation, negotiation, conciliation, joint agreements, or strikes.

(b) To secure, through political or economic action:

- (1) Full employment at adequate wages under decent conditions for all maritime workers.
- (2) Increased manning scales for all classes of vessels.

ARTICLE 1 — OBJECTS

- (3) A shorter work day and work week on board all vessels.
 - (4) Greater safety and stability in the construction, loading, and sailing of all vessels.
 - (5) Increased and improved accommodations and food allowances for crews of all vessels.
 - (6) Improved sanitary standards for all crew accommodations and foodstuffs on all vessels.
 - (7) Adequate old age and service pensions, unemployment insurance, health, accident and life insurance, welfare and death benefits, free hospitalization for all maritime workers and their families.
 - (8) All other improvements in the working and living standards of the maritime workers.
- (c) To assist all bona fide workers, both organized and unorganized, whenever possible and feasible in the attainment of their just demands.

Political:

(a) To maintain a legislative committee in Washington in furtherance of the enactment of laws beneficial to maritime and other workers and the repeal of laws detrimental to their interests.

(b) To obtain the franchise (the right to vote either directly or by absentee ballot) for all workers, and especially for the seamen; and to eliminate the poll tax and all other restric-

ARTICLE 1 — OBJECTS

tions to full and free voting by the American people.

(c) To secure the passage of legislation protecting our right to organize and strike, prohibiting the use of strike-breakers or the employment of police, government troops or privately armed guards in labor disputes, and outlawing the use of labor spies against organized labor.

(d) To eliminate completely and outlaw Jim Crowism, anti-Semitism, and all forms of discrimination against racial, religious, national, or political minorities.

(e) To preserve and extend democracy and free trade unionism; and to smash reaction and fascism, in our country and throughout the world; to render financial and other assistance to other labor organizations, and charitable institutions; and to use all appropriate and legitimate means for the accomplishment of the foregoing objectives.

(f) To promote cooperation between the workers of all nations for the attainment of a lasting peace and a better life for all mankind.

Educational:

(a) To acquaint the maritime workers by all means possible, including schools, classes and literature, with the various policies, history, contributions and role of the NATIONAL MARITIME UNION, so as to promote the active participation of the membership in all the activities of the Union.

ARTICLE 1 — OBJECTS

(b) To train and provide an efficient class of men who are qualified to perform their duties.

ARTICLE 2

AFFILIATION

Section 1 — National and International: The NATIONAL MARITIME UNION OF AMERICA, affiliated with the American Federation of Labor and Congress of Industrial Organizations, may apply for affiliation with any national or international labor organization hereafter to be organized on a national or international basis, which, subject to a referendum of the membership, will unite the workers in all allied industries.

Sec. 2—Local and State: The Branches and Headquarters shall affiliate with local and state trades or labor councils, whose principals are not in conflict or inconsistent with the aims and purposes of the NATIONAL MARITIME UNION OF AMERICA.

ARTICLE 3

FUNDAMENTAL RIGHTS OF THE MEMBERSHIP

Section 1—Participation in Union Affairs: The membership of the NATIONAL MARITIME UNION is guaranteed the right to hold office, to nominate candidates for office, to vote in elections or referendums, to attend membership meetings, and to participate in the deliberations

ARTICLE 3—FUNDAMENTAL RIGHTS OF THE MEMBERSHIP

and voting upon the business of such meetings, subject to the provisions of this Constitution and such reasonable rules and regulations as may be adopted for the orderly conduct of meetings.

Sec. 2—Powers of Officials: The membership of the NATIONAL MARITIME UNION is guaranteed the right to determine the powers of all officials through the adoption of this Constitution by convention action or secret referendum ballot. No official of the NATIONAL MARITIME UNION shall exercise any powers not granted to him by the membership in this Constitution.

Sec. 3—Policies and Program: The members of the NATIONAL MARITIME UNION are guaranteed the right to determine the policies and program of the Union in the manner prescribed by this Constitution. No policy or program shall become effective until it has first been so approved.

ARTICLE 4

MEMBERSHIP APPROVAL

Section 1—Principle: All decisions of the National Council, and the National Office between Conventions, which change the established policies, programs, and procedures of the Union must first be approved by the membership before they are made effective.

Sec. 2—Method: Membership approval referred to in Section 1 of this article shall be obtained in the following manner:

ARTICLE 4 — MEMBERSHIP APPROVAL

(a) Major decisions changing the established policies, programs, and procedures of the Union shall be spread in full in the NATIONAL MARITIME UNION PILOT. Such decisions shall thereafter be read at the regular membership meeting in each Port office operated by the Union. In the event a regular membership meeting is not scheduled within the time necessary for action upon the decision, the decision shall then be read in full at a special membership meeting called for that purpose. After discussion by the membership, action upon the decision shall be taken by vote of the membership present. The approval of a majority of the total members voting in all Ports shall be required in order to make the decision operative.

(b) Emergency decisions requiring immediate action for the protection of the Union shall be read at regular membership meetings in all Ports. In the event a regular membership meeting is not scheduled within the time necessary for action upon the decision, the decision shall then be read in full at a special membership meeting called for that purpose. After discussion by the membership, action upon the decision shall be taken by vote of the membership present. The approval of a majority of the total members voting in all Ports shall be required in order to make the decision operative.

Sec. 3—Referendum Votes: The National Council by a two-thirds (2/3) vote of its members, shall determine the mechanics for

ARTICLE 4 — MEMBERSHIP APPROVAL

conducting a membership referendum vote whenever such procedure is required by this Constitution; provided that the referendum shall be by secret ballot.

The ballot shall be prepared by the National Office under the direction of the National Council. The period for voting in a referendum vote of the membership shall be not less than two (2) weeks and not more than two (2) months. Immediately upon the receipt of the report of the results of the balloting in any referendum vote of the membership, the National Council shall publish such reports in the NATIONAL MARITIME UNION PILOT and send same to all Branches and all ships under NATIONAL MARITIME UNION jurisdiction.

ARTICLE 5

SYSTEM OF ORGANIZATION

Section 1 — Constitution: This Constitution, and any by-laws or amendments subsequently adopted by convention action or secret referendum ballot of the membership, shall control the action and conduct of the officers and members of the NATIONAL MARITIME UNION.

Sec. 2—National Convention: The National Convention of delegates from ship and shore, elected in accordance with the provisions of this Constitution, shall be the supreme governing authority of the NATIONAL MARITIME UNION.

Sec. 3 — National Council: The National Council, which shall be composed of the Na-

ARTICLE 5 — SYSTEM OF ORGANIZATION

tional President, National Secretary-Treasurer, six Vice-Presidents and all elected officers in charge of port offices or their successors duly designated in accordance with this Constitution, shall be the governing body of the Union between conventions.

Sec. 4—National Office: The National Office, which shall be composed of the National President, National Secretary-Treasurer, and six Vice-Presidents shall be the governing body of the Union between meetings of the National Council and shall at all times be responsible for administering the affairs of the Union in accordance with its stated purposes, policies and objects.

Sec. 5—Ports: The officer in charge of each Port office shall administer the business of his office in accordance with the stated purposes, policies, and objects of the Union and such directives as he may from time to time receive from the National Office or a National Officer acting within the scope of his constitutional authority.

Sec. 6—Divisions: The NATIONAL MARITIME UNION shall have the following divisions—Deep Sea; Lakes; Rivers; Panama Canal; Industrial, Technical and Professional Employees; Government Marine Employees; Industrial, Technical and Professional Government Employees; and Allied Fishermen and Maritime Workers; except as otherwise provided in this Constitution. Separate by-laws may be adopted in each

ARTICLE 5—SYSTEM OF ORGANIZATION

division providing for internal organization and membership requirements for the division. Members of all divisions shall have equal rights and privileges within the NATIONAL MARITIME UNION to nominate candidates, to vote in elections or referendums of the Union, to attend meetings and to participate in the deliberations and vote upon the business of such meetings, subject to the provisions of this Constitution.

ARTICLE 6

NATIONAL CONVENTION

Section 1—Date of Convention: The NATIONAL MARITIME UNION OF AMERICA shall meet every three years in National Convention during the month of October at such place as may be designated by the National Council.

Sec. 2—Failure to Convene: Should no Convention be held at the specific time, the salaries of all members of the National Council shall be withheld and none paid to them until the Convention will have met.

Sec. 3—Election of Delegates: Election of delegates to the National Convention shall be conducted in the following manner:

(a) **On Ships:** The Ship's Committee, with the approval of the ship's crew, shall determine the method of election. Voting for delegates to the Convention shall be by secret ballot, with no less than two-thirds ($\frac{2}{3}$) of the membership in good standing voting. No elected official of the Union shall be present

ARTICLE 6 — NATIONAL CONVENTION

at the ship's meeting at which such election takes place.

(b) In the Ports: Nominations shall be made and reported in the minutes of the regular meeting in August held in all Ports. A candidate for delegate to the Convention may be nominated upon petition signed by two (2) members in good standing and submitted to the chairman of the membership meeting at which nominations are to be made. Forms of such petitions shall be provided and made available to the membership sufficiently in advance of the meeting. The Agent or other officer in charge of the Port shall prepare a secret ballot upon such standard form as shall be prescribed by the National Office. Within a period of five (5) days balloting shall begin and continue in all Ports for a seven (7) day period, terminating in all Ports on the same day. Only members in good standing, registered on the shipping list or functioning as officers in the Port, shall be eligible to vote in these elections. Within twenty-four (24) hours after termination of voting, a special meeting shall be called in all Ports for the election of three (3) members in good standing to tally the votes. The results of the balloting shall be announced at the end of the meetings and promptly telegraphed to the National Office. The National Secretary-Treasurer shall then notify all Ports, and publish in the NATIONAL MARITIME UNION PILET a report of the election results.

(c) Unopposed Candidates: In the event a

ARTICLE 6 — NATIONAL CONVENTION

candidate or candidates run unopposed, the candidate or candidates shall stand elected and the election procedure shall not be necessary.

(d) Affiliated Organizations: Each labor organization, chartered in accordance with Article 7, Section 11, shall be entitled to send one fraternal delegate to the convention.

Sec. 4—Representation: Representation to the National Convention shall be upon the following basis:

(a) Vessels: (1) Vessels with a registered crew of ten (10) and less than one hundred and one (101) members shall be entitled to send one (1) delegate with one (1) vote.

(2) Vessels with a registered crew of one hundred and one (101) and less than three hundred and one (301) members shall be entitled to send two (2) delegates with one (1) vote each. One (1) delegate must be a member of the Steward's Department and one (1) delegate a member of either the Deck or Engine Department. The delegate from the Stewards' Department shall be nominated and elected by the Stewards' Department. The other delegate must be nominated and elected by the Deck and Engine Departments jointly.

(3) Vessels with a registered crew of three hundred and one (301) and less than six hundred and one (601) members shall be entitled to send three (3) delegates, one (1) delegate from each department, with one (1) vote each. Each department shall nominate and elect its delegate.

ARTICLE 6 — NATIONAL CONVENTION

(4) Vessels with a registered crew of six hundred and one (601) and less than one thousand and one (1,001) members shall be entitled to send four (4) delegates; two (2) from the Stewards' Department and one (1) each from the Deck and Engine Departments, with one (1) vote each. Each department shall nominate and elect its delegates.

(5) Harbor, Inland Water and all other vessels with crews of less than ten (10) shall be entitled to send one (1) delegate to the Convention for each twenty-five (25) members employed by each company under NATIONAL MARITIME UNION contract.

(6) For purposes of this Section 4(a) only, the term "crew" when applied to Harbor and Inland Water vessels (excluding Great Lake vessels) shall include all crew members regularly employed aboard the vessel, even though such crew members may not work the same shift and/or may not sail aboard the vessel at the same time.

(7) No member shall be seated at the Convention as a delegate from a ship or company unless he was a member of the crew of that ship, or an employee of that company,* for at least thirty days (30) days immediately prior to being elected.

No delegate to the Convention from a ship or a company shall be nominated or elected more than ninety (90) days prior to the open-

*Reference to "Company" applies to Harbor and Inland Waters only.

ARTICLE 6 — NATIONAL CONVENTION

ing of the Convention. If a delegate leaves a vessel or company thirty (30) days prior to the Convention, the election shall be null and void and a new election held and a new delegate elected. The above rule is not to apply if a delegate is required to leave his vessel or company to attend the Convention. Every delegate should have in his possession for the inspection of the Convention Credentials Committee a copy of the minutes of the joint ship's, departmental, or company employees' meeting at which he was elected, showing the date, the number of registered crew, the number of full book members in good standing attending the meeting, the names of all candidates, and the number of votes for each, and signed by the chairman and secretary of the meeting. The Ship's Committee or delegate shall forward to the National Secretary-Treasurer a similarly signed copy of the minutes of the ship's, departmental, or company employees' meeting at which the Convention delegates are elected, immediately after the meeting takes place.

(b) Ports and Divisions: (1) Representation from the Ports and Divisions to each Convention shall be determined by the National Council, subject to membership approval as provided in Article 4, Section 2, provided however, that at least one (1) delegate shall be elected from each Port and each Division maintain y the Union at the time of the Conven.

(2) No member shall be seated at the Con-

ARTICLE 6 — NATIONAL CONVENTION

vention as a delegate from a Port or Division unless he was registered on the shipping list, employed by an NMU contract company or was an official functioning in the Port or Division at the time he was elected. Every delegate shall have in his possession for the inspection of the Convention Credentials Committee a letter signed by the official in charge of the Port or Division and the Balloting Committee that tallied the votes. The official in charge of the Port or Division shall forward to the National Secretary-Treasurer a signed copy of the minutes of the Port or Division meeting at which the Convention delegates were elected showing their names, dues standing, and registration date on the shipping list or proof of current employment by an NMU contract company.

(c) Officers: All members of the National Council shall be seated as full delegates with voice and vote at the National Convention.

(d) Alternates: If an elected delegate from a ship or Port fails to attend the Convention, his alternate shall be a member from the same ship or Port who polled the next highest number of votes, and who shall be subject to call by the Convention Secretary.

(e) Qualifications of Delegates: All delegates to the National Convention must be full book members in good standing at the time of their election. Delegates from ships, ports and divisions other than Union officers must have one hundred and fifty (150) days of employment

ARTICLE 6 — NATIONAL CONVENTION

(days of vacation to be counted as days of employment) on NMU contract vessels or with NMU contract companies or agencies for each of the years (from October 1 to September 30) between the previous convention and the convention for which they are elected as delegates.

(f) Amendments: Notwithstanding any other provisions for amendments to the Constitution, provisions for the election of ship and shore delegates contained herein shall be modified as amended only by a two-thirds (2/3) vote of the official delegates present at a National Convention.

Sec. 5—Expenses of Delegates: (a) Transportation: Ship delegates shall receive first-class transportation from a continental United States Port where they leave their vessels after being properly relieved, and Port delegates from the Ports where they were elected, to the Convention City. Ship and Port delegates shall receive return transportation to the same Ports, if they return to these Ports to rejoin their vessels, to ship out, or to resume their official duties.

(b) Subsistence: The daily rate of subsistence for delegates and the method of payment shall be determined by the National Convention. But in no case shall such subsistence extend beyond seven (7) days.

(c) Rules: Until new rules on transportation and subsistence have been adopted, the rules

ARTICLE 6 — NATIONAL CONVENTION

of the preceding Convention shall remain in effect.

Sec. 6—Credentials Committee: Two weeks before the opening of the National Convention, the National Office shall call a meeting of all Convention delegates already present in the Convention city. At this meeting, a Credentials Committee, composed of seven (7) delegates from vessels shall be elected. Their subsistence shall start as of the day they are elected. The delegates at the meeting shall decide the method of election.

The National Secretary-Treasurer shall submit to the Credentials Committee all minutes received from vessels, Ports and Divisions on the election of delegates. Any other officer or member may submit such evidence as he may desire to challenge the eligibility of any delegate for seating at the Convention.

The Credentials Committee shall submit a report of its findings at the first session of the Convention. All delegates who have submitted credentials to the Credentials Committee and whose credentials have not been challenged by the Credentials Committee shall be seated as delegates. The Convention shall have the power to pass upon the qualifications and eligibility of the delegates and their right to a seat in the Convention; provided, however, that the Convention shall officially seat the delegates not challenged prior to the close of the morning session on the opening day of the Convention.

ARTICLE 6 — NATIONAL CONVENTION

The committee and its findings shall be subject to approval by a majority vote of the Convention.

Sec. 7—Quorums: A quorum for the transaction of all Convention business shall consist of two-thirds (2/3) of the delegates accredited to the Convention. No business shall be conducted without a quorum.

Sec. 8—Order of Business: The following Order of Business shall prevail at each National Convention unless suspended by a majority vote of the delegates present and voting

- (1) Call to Order by the National President.
- (2) Report of Credentials Committee.
- (3) Roll-Call.
- (4) Election of the following committees:
 - (a) Rules
 - (b) Constitution
 - (c) Resolutions
 - (d) Appeals
 - (e) Contract
- (5) Report of National Officers.
- (6) Reports of Committees.
- (7) Unfinished Business.
- (8) New Business.
- (9) Good and Welfare.
- (10) Adjournment.

The National President shall appoint seven (7) members to each of the committees listed in Item 4 of the agenda, subject to approval of the delegates by majority vote. In the event an appointee or appointees are rejected by the

ARTICLE 6 — NATIONAL CONVENTION

delegates the vacancy or vacancies shall be filled by nominations and elections from the delegates present.

The Contract Committee shall function in the following manner:

(a) Receive and consider all proposals pertaining to the contract, negotiations, and enforcement.

(b) Correlate these proposals for presentation to the Convention for action.

(c) The proposals accepted by the Convention shall be presented to the National Office, National Council, and National Negotiating Committee, to serve as a basis for the next negotiations.

Sec. 9—Rules of Order: (a) The proceedings shall be governed by this Constitution and Robert's Rules of Order (Revised). In instances where no specific provision is set forth, the rules adopted at the preceding Convention shall be in force from the opening of any Convention until new rules shall have been adopted by the Convention itself.

(b) Only those matters listed in the Order of Business shall be discussed and acted upon by the delegates assembled; provided that matters not included in the Order of Business may be placed on the agenda if approved by a majority vote of the delegates present.

(c) The National President may, subject to approval of the delegates present, cause to be evicted from the Convention hall any delegate

ARTICLE 6 — NATIONAL CONVENTION

who does not comport himself in an orderly manner or who refuses to abide by the rulings of the Chair as required by Robert's Rules of Order (Revised) or such rules as may be adopted at the Convention.

ARTICLE 7

NATIONAL COUNCIL

Section 1—Duties and Powers: The National Council shall be responsible for the execution of all resolutions adopted by the National Convention and shall perform all acts necessary to implement the stated purposes, objects, and policies of the Union; subject to the provisions of Article 4 of this Constitution.

Sec. 2—Headquarters: The National Council shall maintain its Headquarters in the Port of New York.

Sec. 3—Regular Meetings: Regular meetings of the Council shall be held annually between Conventions.

Sec. 4—Special Meetings: Special meetings shall be called by the National Secretary-Treasurer of the Union upon written demand by six (6) Council members; subject to prior approval by a majority of the Council. A special meeting so called shall be held no later than two (2) weeks after the date of Council approval. Special meetings may also be called by a majority vote of the National Office.

Only business specified in the Notice of Special Meeting shall be considered and acted upon

ARTICLE 7 — NATIONAL COUNCIL.

by the Council, unless otherwise decided by a majority of the Council members present.

Sec. 5—Quorums: A quorum shall consist of not less than two-thirds of the Council members; provided that the National President and/or the National Secretary-Treasurer must be present. All matters to be voted upon shall require approval by a majority of the quorum.

Sec. 6—Rules of Order: (a) The proceedings of the National Council shall be governed by this Constitution and Robert's Rules of Order (Revised); subject to such other rules as may be adopted by the Council.

(b) Only those matters listed in the Order of Business shall be discussed and acted upon by the Council members assembled; provided that matters not included in the Order of Business may be placed on the agenda if approved by a two-thirds (2/3) vote of the Council members present.

(c) The National President may, subject to approval of the Council members present, cause to be evicted from the Council meeting any Council member who does not comport himself in an orderly manner or who refuses to abide by the rulings of the Chair as required by Robert's Rules of Order (Revised) or such rules as may be adopted at the Council meeting.

Sec. 7—Attendance at Meetings: It shall be mandatory for the Council members to attend all National Council meetings. Council mem-

ARTICLE 7 — NATIONAL COUNCIL

bers absent because of illness or actual engagement on special Union business shall be excused.

Sec. 8—Shipping Rules: Subject to the provisions of Article 4 of this Constitution and applicable law, the Council shall formulate rules for rotary shipping through the Union halls.

Sec. 9 — Organizing Department: The National Council, in order to achieve the rapid organizing of all unorganized workers, is empowered to establish an Organizing Department and to determine such procedures and appoint such personnel as may be necessary to insure its proper operation.

Sec. 10—Organizing the Unorganized: The National Council is empowered to establish such procedures, temporary initiation fees, and temporary dues rates as are necessary to facilitate the most rapid organization of workers in unorganized areas and lines; provided, however, that all provisions of this Constitution relative to regular initiation fees and dues rates shall become effective within five (5) years after the date the NATIONAL MARITIME UNION becomes the collective bargaining agent for the previously unorganized company or upon the date the National Council determines that a stable bargaining relationship exists with said company, whichever occurs sooner.

Sec. 11 — Charters of Affiliation: The National Council is empowered to issue a char-

ARTICLE 7 — NATIONAL COUNCIL

ter of affiliation to any labor organization representing workers who are directly or indirectly engaged in the maritime industry upon such terms and conditions as may be deemed advisable.

Sec. 12—Negotiating Committees: The National Council is empowered to establish Negotiating Committees of the Union for the purpose of meeting with various companies and agencies with which the Union has contracts, or is negotiating contracts, and with such governmental agencies as have direct bearing on the question of wages, hours, conditions, manning scales, and the like.

Sec. 13—Schools: The National Council is empowered to establish Trade Union and Organizers' Schools, and to utilize other schools, subject to approval by the membership, for teaching Union members in the various Ports and areas all phases of the Union's work. Members attending such schools shall have been recommended by their ship's crew.

Sec. 14 — Legislation and Political Action: The National Council is empowered to establish the personnel and procedures for the conduct of the legislative and political action work of the Union. The National Council shall at all times be held directly responsible to the membership for the performance of all work affecting the Union and its membership in the field of legislation and political action.

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Sec. 15 — AFL-CIO Convention Delegates: The National Council shall elect from among its members delegates to the National AFL-CIO Convention.

Sec. 16 — Maritime Unity: The National Council shall strive to unite all unions of maritime workers and to achieve unity of action by all maritime unions. Subject to Article 4 of this Constitution the National Council is empowered to negotiate with other maritime unions for the purpose of amalgamation or federation.

Sec. 17—Opening and Closing Branches: The National Council is empowered to define the status of each Port as a Branch, and to open or close Branches whenever the needs of the organization require such action. The National Council may open or close organizing offices as the Union requires. The National Council shall determine the manner in which the Union's business shall be conducted in the Branches, and offices, and may supersede any Agent or Patrolman during a declared emergency.

Sec. 18—Number of Patrolmen: The National Council is empowered to determine the number of Patrolmen who shall be employed in any given Branch.

Sec. 19—Appeals: The National Council is empowered to consider and determine appeals from decisions of the National Office affecting the status of any member found guilty of charges filed against such member. The deci-

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sion of the National Council shall be deemed final and binding unless the aggrieved member elects to appeal to the National Convention as provided by this Constitution.

Sec. 20—Loans: The National Council, by a two-thirds vote of its members, is empowered to borrow money for and on behalf of the Union, provided membership approval has first been obtained under the procedures of Article 4. No individual member or group of members of the National Council may borrow money on behalf of the Union without prior written authorization from the Council, provided membership approval has first been obtained under the procedures of Article 4.

Sec. 21 — Reports to the Membership: As soon as practicable after the close of all regular or special meetings the National Council shall make available to each Port office for membership inspection an accurate account of the action taken at such meetings and the deliberations in connection therewith.

Sec. 22—Special Conventions: The National Council is required and authorized to call a Special Convention of the Union, over the signature of the National Secretary-Treasurer, if a majority of the Council voting desire such Convention, subject to Article 4 of this Constitution. Such Special Convention shall be held within thirty (30) days from the date of authorization in accordance with the procedure as set forth in Article 6 of this Constitution.

ARTICLE 8
NATIONAL OFFICE

Section 1—Powers: The National Office shall not exercise any powers not specifically granted to it by this Constitution and any appropriately adopted amendments thereto.

Sec. 2—Duties: (a) The National Office and its members, jointly and individually, shall be responsible for the execution of all resolutions adopted by the National Convention and National Council, as approved by the membership.

(b) The National Office shall also be responsible for the administration of the day-to-day affairs of the Union except to the extent that specific administrative duties and responsibilities are assigned by this Constitution to a particular officer or officers.

(c) During periods between National Council meetings, the National Office shall have and exercise the same power and authority granted by this Constitution to the National Council.

Sec. 3 — Regular Meetings: The National Office shall hold weekly meetings for the purpose of conducting such business as may properly come before it, whenever a quorum is available.

Sec. 4—Special Meetings: Special meetings of the National Office shall be called on the written request of any National Officer or officer in charge of a Port. The request shall state the purpose of the meeting and shall be filed with the National Secretary-Treasurer.

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A special National Office meeting shall only consider and act upon those matters for which the meeting was called, unless a majority of the National Officers desire to enlarge upon the agenda of the meeting.

Sec. 5—Quorums: A quorum for a regular or special meeting shall consist of not less than a majority of the National Officers; provided that the National President or the National Secretary-Treasurer is present. All matters to be voted upon shall require approval by a majority of the quorum.

Sec. 6—Attendance at Meetings: It shall be mandatory for National Office members to attend all National Office meetings. National Office members absent because of illness or actual engagement on special Union business will be excused.

Sec. 7—Records of Meetings: A summary of all action taken by the National Office at regular or special meetings shall be printed in the PILOT and sent to all National Council Members and to all Ports.

Sec. 8—Report to National Council: The National Office shall submit at each regular meeting of the National Council a report on:

(a) The execution of National Convention and National Council decisions.

(b) The administration of the affairs of the Union and each of its departments.

(c) Recommendations for furthering the objectives of the Union.

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Sec. 9—Vacancies in Office. (a) Should the office of National President become vacant by reason of resignation, death, removal from office, or for any other reason, the National Secretary-Treasurer shall assume the office of National President until the next general election of officers.

(b) Should the office of National Secretary-Treasurer become vacant by reason of resignation, death, removal from office, assumption of the office of National President, or for any other reason, the National Council shall elect from among the Vice Presidents a replacement for the National Secretary-Treasurer who shall serve until the next general election of officers.

(c) Should the office of Vice President become vacant by reason of resignation, death, removal from office, assumption of a higher office, or for any other reason, the National Council shall elect one of its members to fill the vacancy until the next general election of officers.

(d) Whenever any elected office, except those of National President, National Secretary-Treasurer, or Vice President becomes vacant by reason of resignation, death, removal from office, or for any other reason, the National Office shall appoint a member to fill such office until the next general election, or, in its discretion may allow the office to remain vacant until the next election.

Sec. 10—The PILOT: (a) Official Organ: As

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the official organ of the Union the PILOT shall be the medium through which all notices and communications shall be brought to the attention of members of the Union.

(b) Publication and Distribution: The PILOT shall be published as frequently as shall be directed by the National Office and shall be available to all members at all Post Offices of the Union.

(c) Editorial Board: The Editorial Board shall consist of the National Office.

(d) PILOT Editor: The Editor of the PILOT shall be appointed by the National Office; provided he is a member of a union affiliated with the AFL-CIO, chartered to represent newspaper editorial personnel.

(e) Other PILOT Personnel: The National Office shall employ such other PILOT personnel as it may deem necessary; provided that such employees shall be members of a union affiliated with the AFL-CIO, chartered to represent editorial and/or clerical personnel.

(f) Policy: (1) The National Office shall at all times be responsible to the membership of the Union for the policy of the PILOT. This policy shall conform in all respects to the purposes and objects of this Constitution and such policies as may from time to time be promulgated by the National Convention and the National Council.

(2) The PILOT shall not publish any libelous statements against any officer or member. The right of officers and members to con-

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destructively criticize one another, or the leadership, policies, and programs of the Union, shall not however be curtailed.

(g) **Translations:** The National Office may cause to be translated any part of the PILOT into whatever language it may deem necessary in order that the membership may be better informed.

Sec. 11—Employees of the Union: (a) The National Office shall be responsible for and shall fix the salaries of all technical, clerical, and administrative personnel as may be required for the effective administration of the Union's affairs. Wherever possible, such employees shall be members of the NMU or of appropriate AFL-CIO affiliates.

(b) Collective bargaining agreements affecting employees of the NMU shall be negotiated by the National Office or such office or officers as it may designate; provided that no such agreements shall be made without specific approval by the National Office.

(c) The National Office is authorized and empowered to retain such legal and accounting services as it may deem necessary for the best interests of the Union and to set the fees for such services.

(d) The National Office shall have the authority to provide pensions for all past and present employees of the Union and to protect the pension rights of all past and present employees of the Union.

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Sec. 12—Research Department: The National Office is authorized and empowered to maintain and continue the NMU Research Department in order to provide the Union with all necessary materials, information, and statistics for the conduct of its affairs.

Sec. 13—Disbursements: The National Office is empowered to authorize the expenditure of such funds as it may deem necessary for the proper administration of the Union's affairs, consistent with the stated purposes and objects of this Constitution.

Sec. 14—Supplies and Services: Whenever funds in excess of Five Thousand Dollars (\$5,000.00) are to be expended for supplies or services the National Office shall first obtain bids from several union suppliers or contractors wherever it is possible to do so. The order for such supplies or services shall be given to the lowest bidder who meets the minimum standard of quality and time requirements as set by the National Office.

Sec. 15—Real Estate: Real estate owned or acquired by NMU shall be held, in the discretion of the National Office, either (a) in the name of NMU Realities, Inc. (or such other corporation as the Union may form), the officers and directors of which shall be the National President, National Secretary-Treasurer, and the Vice President receiving the highest vote for that office in the last election, or (b) in the name of the three aforementioned

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officers of the Union as Trustees for the NMU; provided, however, that should the laws of any state prevent or make impractical these forms of ownership, then the National Office is authorized to take title in accordance with the laws of that state.

Sec. 16—Forms and Procedures: The National Office shall prepare and authorize all standard receipts, forms, and procedures through which the business of the Union shall be conducted.

ARTICLE 9

QUALIFICATIONS OF OFFICERS

Section 1—Eligibility for Office of Branch Agent: Any member who (1) has been an active member in good standing continuously for five years immediately preceding nomination, (2) is a citizen of the United States, or in possession of valid first citizenship papers, and (3) can show proof of Group 1 shipping status or equivalent sailing time on NMU contract vessels for each of the five (5) years preceding nomination, provided that time spent ashore by members holding office or engaged in official business shall be considered as sailing time for the purpose of this section, shall be eligible to hold the office of Branch Agent.

Section 2—Eligibility for a National Office: Any member who (1) has been an active member in good standing continuously for five years immediately preceding nomination, (2)

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is a citizen of the United States, or in possession of valid first citizenship papers, (3) has served at least one full term as a National Officer, Branch Agent, or Patrolman, and (4) can show proof of Group 1 shipping status or equivalent sailing time on NMU contract vessels for each of the five years preceding nomination, provided that time spent ashore by members holding office or engaged in official union business shall be considered as sailing time for the purposes of this section, shall be eligible to hold a National Office in the National Maritime Union.

Section 3—Coast Guard Discharges, Pay Vouchers, NMU Pension & Welfare Records, or Letters from Employers shall be deemed evidence of Sailing Time.

Section 4—Restriction Upon Eligibility: (a) No member shall be eligible to hold any office in the NMU who, during his membership, was found guilty by a court of competent jurisdiction of a felony; provided that the conviction is unrelated to legitimate trade union activities.

(b) No member shall be eligible to hold office in the NMU who was found guilty by any labor organization of anti-union activities.

Any question concerning the meaning or application of (a) and (b) of this section shall be resolved by the National Office or the National Council.

Section 5—Strike Records: A candidate for

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office must have a clear strike record, such record to be determined by the National Office.

ARTICLE 10

NOMINATIONS OF OFFICERS

Section 1—Nomination: Candidates for office shall be nominated by means of signed endorsements obtained from members in good standing. No endorsement shall be deemed valid unless obtained in the month of February preceding the election.

Sec. 2 — Preliminary Port Verification of Qualifications: (a) Every candidate shall personally appear at any time in the month of February preceding the election before a duly constituted Port Verification Committee consisting of any elected officer and four (4) members in good standing, and exhibit for verification the following evidence of his qualifications upon official forms obtainable at any Port office.

(1) An endorsement signed by not less than one hundred (100) members in good standing, if a candidate for National Office; or an endorsement signed by not less than twenty-five (25) members in good standing, if a candidate for the office of Branch Agent. These endorsements must be obtained during the month of February. Only endorsement forms, obtainable from any NMU Port Office, may be used. These forms shall be available at any

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time after the first day of January preceding the election.

(2) The candidate's written acceptance.

(3) A signed application for a bond.

(4) An affidavit asserting that the candidate has not been convicted of a crime as defined in Article 9, Section 4 of this Constitution; and that he has not been a member or affiliated with the Communist Party or any other subversive organization in the five (5) years preceding the nomination.

(5) A recent full-faced photograph.

(6) Written evidence of Group 1 shipping status of equivalent sailing time as required by Article 9, Section 1.

(7) A written record of his Union activity, including his strike record, stating strike participated in, number of days of picket duty, and where clearance was obtained.

(b) If, after examining the foregoing documents, the Port Verification Committee is satisfied that the candidate is qualified for nomination it shall promptly execute and cause to be delivered to the National Secretary-Treasurer a Certificate of Verification over the signature of each member of the committee. A duplicate copy of this signed certificate shall be handed to the candidate.

Sec. 3—Filing with the National Secretary-Treasurer: Upon receipt of a duplicate copy of the signed Certificate of Verification the candidate shall personally file with the National

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Secretary-Treasurer, or deliver by registered mail (post-marked no later than 11:59 P.M., February 28th), all of the documents referred to in Section 2 (a) of this Article.

Sec. 4—Report by the National Secretary-Treasurer: The National Secretary-Treasurer shall submit to the National Office at its duly constituted regular or special meetings all qualifying documents referred to in this Article, including the Certified Verification received from the Verification Committee, together with their accompanying registered mail envelopes.

Sec. 5—Action by National Office: The National Office, which shall be the ultimate judge of the qualifications of each candidate, shall re-check the documents previously examined by the various Port Verification Committees and, if found to be in good order, shall declare the candidate to be nominated.

Sec. 6—False Information: Any member who submits false information as to his qualifications to run for office shall be charged with a violation of this Constitution and tried in accordance with Article 21. If found guilty he shall be expelled from membership.

Sec. 7—Special PILOT Supplement: The record and photograph of each candidate, together with his assigned ballot number, shall be published in a special supplement of the PILOT which shall be made available to the members of the Union prior to and during the voting

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period. Each candidate shall submit a statement of record which he wishes to be printed. Such statement shall not exceed 100 words and shall not contain any libelous or defamatory material. All such libelous or defamatory material shall be deleted before publication. The National Office in consultation with General Counsel shall be the sole judges of what is to be deleted.

ARTICLE 11

OFFICERS AND TERM OF OFFICE

Section 1—National Officers: National officers of the NMU shall consist of:

- (1) National President
- (2) National Secretary-Treasurer
- (3) Six (6) Vice-Presidents

Sec. 2—Other Officers: The other officers shall consist of:

- (1) A branch Agent for each Branch.
- (2) Patrolmen as numerically and geographically determined by the National Office. Patrolmen under this section shall be appointed by the National President subject to the approval of the National Office.

Sec. 3—Term of Office: All officers except patrolmen referred to in Article 11, Section (2) shall be elected for a term of four (4) years, to commence as soon as practicable after certification of the election results.

GENERAL ELECTIONS

Section 1—Supervision: All NMU elections shall be supervised and conducted by the Honest Ballot Association (HBA), (unless a similar independent organization is otherwise designated by the National Council) commencing with the preparation of the ballots and ending with the certification of results to the National Office.

The letters "HBA," wherever used in this Constitution, shall refer to the Honest Ballot Association or any other independent organization which may be designated by the National Council to supervise and conduct elections.

Sec. 2—Distribution of Ballots: Under the supervision and direction of the "HBA" the National Office shall prepare and cause to be distributed printed ballots to all Port offices of the Union.

Sec. 3—Proposed Amendments to the Constitution: In addition to including the names of all nominees the ballots may contain any proposed amendments to this Constitution as may have been processed under Article 26.

Sec. 4 — Balloting Committees: During the last week in March preceding the election a balloting committee consisting of one or more members, as may be determined by the National Office, shall be elected in the Port offices of Boston, Philadelphia, Baltimore, Norfolk, New Orleans, Port Arthur, Galveston, and Houston.

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Sec. 5—Conducting the Election: The "HBA" shall conduct the voting in the Port of New York. In all other Port offices the election shall be conducted by the official in charge of the Port, acting under instructions from the "HBA."

Sec. 6—Date and Place of Voting: (a) Voting shall commence at 9 A.M. April 1st and continue through May 31st. Voting hours shall be from 9 A.M. to 5 P.M., Monday through Friday, inclusive.

(b) **Electioneering:** (1) There shall be no electioneering in any of the polling places during the election period. Polling places are deemed to include the building in which the balloting is being conducted.

(2) The personal column in the PILOT of any officer of the Union shall not be used for electioneering purposes.

Sec. 7—Registration for Voting: Each member in good standing, desiring to vote, shall upon producing his membership book sign his name and membership number in a bound registration book. The voter's membership book shall be stamped when he receives his ballot. Upon receiving his ballot the member shall fill out a voting card indicating his name, book number and permanent home address. These voting cards shall be mailed to the "HBA" by the officer in charge of each port at the end of each voting day.

Sec. 8—Voting by Members in Hospitals: A

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member who is confined to a hospital at any time during the voting period may upon request receive a ballot by submitting his membership book to the National Secretary-Treasurer for appropriate recording. The National Secretary-Treasurer shall thereupon mail a ballot to the confined member by registered or certified mail.

Sec. 9—Method of Voting: Every member who is entitled to vote shall apply to a duly elected balloting committeeman. If entitled to vote the member shall receive a ballot and a numbered envelope, which shall be stamped and addressed to a safety vault in a New York City bank designated by the National Office. After secretly marking the ballot with an indelible pencil the member shall enclose same in the stamped envelope provided for that purpose and deposit it in the nearest United States post office box. Ballots which are not marked in polling places designated by the "HBA" shall be deemed void.

Sec. 10—Records of Voting: At the close of each voting day a balloting committeeman (or properly designated person) shall mail to the National Secretary-Treasurer a form or card indicating the number of ballots handed to voters on that day, the number of envelopes in which each ballot was enclosed, and the number of spoiled or voided ballots. Within twenty-four (24) hours after completing of all balloting in each Port office, the balloting

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committeeman (or properly designed person) shall promptly forward to the National Secretary-Treasurer, by certified mail, all unused or voided ballots together with the bound registration book used in his Port.

Sec. 11—Judges of Election: During the last week in May there shall be elected at a joint meeting in New York three (3) members, one from each department (Deck, Engine, and Stewards') to serve as judges of the election in conjunction with the "HBA."

Sec. 12—Delivery of Ballots: A representative of the "HBA" together with the judges of the election shall if possible meet no later than the 5th day of June in an election year and shall promptly proceed to the safe deposit vault to which the ballots have been mailed and claim delivery of same. All ballots shall be counted at a location or locations satisfactory to the "HBA" in the presence of the election judges and any and all nominees who may desire to be present.

Sec. 13—Checking of Registration: The National Secretary-Treasurer, or his duly authorized representative, shall deliver to the "HBA" the bound registration books which shall be checked against the number of ballots cast in each Port.

Sec. 14—Counting of Ballots: Promptly after receiving the bound registration books the "HBA," by its duly authorized representatives,

ARTICLE 12 — GENERAL ELECTIONS

shall proceed with the counting of the ballots and the vote taken on any constitutional amendments. Promptly following the completion of the count the "HBA" shall certify in writing the results of the election to the National Office. At the same time the "HBA" shall declare each candidate who receives the highest number of votes for a particular office as being duly elected to that office. The certification and declaration of election shall be attested to by the judges of the election. Where amendments or propositions to the Constitution have been submitted to the membership, the "HBA" shall declare whether the amendment or proposition was adopted or rejected.

Sec. 15—Preservation of Ballots: Upon the delivery of the certification of the election results the "HBA" by its duly designated representative, shall deliver to such accredited safe deposit vault as may be designated by the National Secretary-Treasurer all ballots and bound registration books then in its possession, in sealed packages where they shall remain for a period of one year under its exclusive custody and control. In the event a recount is ordered by a majority of the members voting at membership meetings in two-thirds (2/3) of the Port offices of the Union, the sealed ballots and bound registration books then on deposit in the vault shall be utilized by the "HBA" for a recount. No recount shall be made unless ordered within two (2) months from the date

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of certification. Upon completion of the recount the ballots and books shall be returned to the vault in sealed packages, where they shall be kept for the balance of the one (1) year period and then destroyed upon written approval by the National Secretary-Treasurer.

Sec. 16—Publication of Results: The certification of the election results shall be published in the PILOT. Copies of the certification shall also be promptly dispatched to all Port offices.

Sec. 17—Election Rules: All rules and regulations governing the conduct of election shall be permanently posted at each polling place while the polls are open.

Sec. 18—Investigations: The "HBA" shall have authority to make any investigations either before or after completion of the count for the purpose of insuring a fair and honest election.

Sec. 19 — Violation of Election Rules: (a) Any officer, candidate, balloting committeeman, or member of the Union, who violates any section of this Article, or makes any false or fraudulent statement relating thereto may, after trial in accordance with this Constitution, be subject to expulsion from membership.

(b) Any member of the Union who votes more than once at any election shall, after trial in accordance with this Constitution, be subject to expulsion from membership.

Sec. 20—Taking Office: Candidates certified

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as having been elected shall take office immediately.

Sec. 21—Layoff of Officers: Should the National Council determine the need for discontinuing one or more officers in a particular Port or Ports, the officer who receives the least number of votes for the office to which he was elected shall be the first to be so laid off.

In the event the National Council determines, subsequent to a layoff, to increase the number of Port office personnel, the officers shall be reinstated in inverse order of layoff; provided such reinstatement is made within the term of the affected elected officer.

Sec. 22—Appeals from Results of Election: Appeals from the results of any election of officers may be made no later than the 7th day after publication in the PILOT. Such appeals shall be in affidavit form and must specifically state the exact nature and details of the appeal. This appeal shall be sent by registered mail addressed to the National Secretary-Treasurer of the Union who shall then notify the judges of election and the HBA within 48 hours of the receipt of said appeal. The judges of election in conjunction with the HBA shall then meet within 7 days after notification of the appeal and shall designate a time and place for the hearing which must take place within the following 2 weeks. The decision of the judges of election and the HBA must be filed with the National Secretary-Treasurer and

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the appellant by registered mail within 7 days after the conclusion of the hearing. Appeal from said decision may be made to the National Office within 7 days after receipt of the said decision. The National Office in the event of an appeal shall hold a hearing within 15 days after notice of appeal. The decision of the National Office shall be final and binding.

ARTICLE 13

DUTIES OF OFFICERS

Section 1—National President: (a) The National President shall be the chief executive officer of the Union and shall devote all his time to the affairs of this organization.

(b) He shall be present and preside over all National Conventions, National Council and National Office meetings, unless absent for good cause.

(c) He shall coordinate and administer the affairs of the Union in cooperation with the National Office and/or the National Council.

(d) He shall sign all official documents for the Union.

(e) He may, in his discretion, designate from among the members of the National Office an executive assistant to act in his absence and with all the authority and responsibilities of the office of National President.

(f) He may, in his discretion, and at such salary as the National Office may determine, appoint a member, or members, of the Union

ARTICLE 13 — DUTIES OF OFFICERS

to assist him in the exercise of his administrative functions; provided that such assistant or assistants shall at no time act in an executive capacity.

(g) He may visit in person any Branch if, in his judgement, such visit will be of benefit to the NATIONAL MARITIME UNION OF AMERICA.

(h) He is vested with the exclusive authority to interpret and enforce this Constitution, rules, regulations, agreements, and policies of the Union, subject to appeal to the National Council and the National Convention.

(i) He shall call a special meeting of the National Council or National Office whenever, in his judgment, such meeting is necessary to protect the interests of the Union.

(j) He shall report to all National Council meetings, and shall submit a written report to the National Convention on behalf of himself and all National Officers of the Union. In this connection he shall first receive written reports from all members of the Council covering their activities and assignments.

(k) Upon the request of two-thirds (2/3) of the members of the National Council, the National President shall furnish to the Council all correspondence, records, documents, and property of the Union in his possession.

(l) He may call a joint meeting at the Union Headquarters in New York or at any Branch office of the Union whenever, in his opinion, the best interests of the membership will be served.

ARTICLE 13 — DUTIES OF OFFICERS

(m) The National President and/or National Secretary-Treasurer is duly authorized, empowered, and directed to pay all obligations incurred by the Union consistent with its established policies and practices and the stated purposes and objects of this Constitution.

Sec. 2—National Secretary-Treasurer: (a) The National Secretary-Treasurer shall have charge and custody over the official seal of the Union, all books, documents, records, and other effects of the National Office, the National Council, and all Port offices.

(b) He shall record, or cause to be recorded, the proceedings of all National Conventions, National Council and National Office meetings. Immediately after Convention adjournment, or the adjournment of any regular or special meetings of the National Council, he shall forward an accurate copy of all minutes and resolutions adopted by the Convention and/or the National Council to each Branch office. He shall also cause to be published in the PILOT a digest of all National Office meetings.

(c) He shall keep copies of all official correspondence sent out and received by his office, and make them available to any member of the National Council, upon request. Such correspondence need not be kept longer than required by law.

(d) The National Secretary-Treasurer may call a joint meeting at Headquarters whenever, in his opinion, the best interests of the membership will be served.

ARTICLE 13 — DUTIES OF OFFICERS

(e) Upon receipt of the minutes of membership meetings held in the various Ports, the National Secretary-Treasurer shall arrange for their duplication and transmittal of two (2) copies each to all other Port offices.

(f) The National Secretary-Treasurer shall receive and answer all correspondence from the National Council, Branches, and the membership. The National Secretary-Treasurer shall, upon request of two-thirds (2/3) of the National Council, furnish to the Council all correspondence, documents, records, and properties of the Union in his possession.

(g) The National Secretary-Treasurer shall have ultimate responsibility for the receipt of all monies and other things of value due the NATIONAL MARITIME UNION, whether these monies are received at Headquarters, Port offices, or elsewhere.

(h) He shall order and keep in his possession all check books and issue or cause to be issued all checks as required for the payment of all outstanding obligations of the Union.

(i) He shall keep on hand a petty cash account, for the paying of such warrants and orders as may be necessary for use at the Union Headquarters in New York. He may also authorize and make available a petty cash account for use at each Port office of the Union in such amount as he may determine, and shall require the officer in charge of each of said Port offices to render periodic account-

ARTICLE 13 — DUTIES OF OFFICERS

ings with respect to the handling of such petty cash account.

(j) He shall deposit or cause to be deposited in such bank, or banks, as the National Office may designate, all sums in excess of the petty cash accounts.

(k) He shall be present at all regular or special meetings of the National Council and National Office unless absent for good cause.

(l) He shall prepare at the end of each month for publication in the PILOT a consolidated report of all monies received and disbursed at the New York Headquarters, Port offices, and elsewhere.

(m) He shall receive and keep on file copies of all financial reports issued by him. Such reports need not be kept longer than required by law.

(n) He shall cause to be prepared by the Union's auditors an annual financial report as required by law.

(o) He may arrange with all of the banks and depositories to be notified promptly whenever deposits are not made within any seventy-two (72) hour period.

(p) He and/or the National President is duly authorized, empowered, and directed to pay all obligations incurred by or in behalf of the Union consistent with its established policies and practices and the stated purposes and objects of this Constitution.

ARTICLE 13 — DUTIES OF OFFICERS

Sec. 3—Vice-Presidents: (a) The duties of each Vice-President shall be assigned by the National Office and may include responsibility for a particular division or area of the Union's operations. The Vice-Presidents shall be responsible to the National Office and the National Council for the proper performances of their assigned duties.

(b) Upon request of two-thirds (2/3) of the members of the National Council, the Vice-Presidents, or any one of them, shall furnish to the Council all correspondence, records, documents, and property of the Union in their possession.

Sec. 4—Officials in Charge of Ports: (a) An official in charge of a Port office shall make daily deposits of all monies payable to the Union which are collected in his Port in such bank as may be determined by the National Office.

(b) He shall make and file with the National Secretary-Treasurer daily and weekly reports on such forms as may be adopted by the Nation Office.

(c) He, or the Patrolmen under his supervision, shall make every effort to visit all vessels (organized or unorganized) entering the Port over which his office has jurisdiction; and shall see to it that all organized vessels are represented by duly elected delegates prior to leaving the Port.

(d) He shall see to it that copies of the

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PILOT are delivered to all vessels entering the Port over which his office has jurisdiction.

(e) He shall distribute, or cause to be distributed, all official literature received by him from the National Office whenever such literature is intended for the information of Union members.

(f) He shall be responsible for strict enforcement of the Union's no-discrimination policy as set forth in this Constitution and in the various Union collective bargaining agreements.

(g) He shall be responsible for the strict compliance of all collective bargaining agreements between the Union and various shipping companies whose vessels enter the Port or Ports over which his office has jurisdiction.

(h) He shall, to the best of his ability, carry out any and all instructions issued to him by the National Office.

(i) He shall be responsible for the holding of regular membership meetings in his Port at such time or times as may be required by this Constitution.

(j) He shall keep a record of the proceedings of all regular and special meetings held in his Branch and shall forward, as soon as possible, a true copy of the minutes of said meetings to the National Secretary-Treasurer.

(k) Upon the request of two-thirds (2/3) of the National Council or the National Office, he shall promptly transmit to the National Council or National Office, as the case may be, all corre-

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spondence, documents, records, and property of the Union in his possession.

(l) He shall be responsible for instructing new members as to the duties and obligations of membership in the NMU at the time of their admission to membership.

(m) He shall make every effort to have the NMU participate in the civic activities of the community in which it functions and to make known the objects and purposes of the NMU in that community.

(n) He shall conduct and preside over weekly meetings with the Patrolmen under his supervision in order more effectively to administer the collective bargaining agreements and the affairs of the office to which he has been assigned.

(o) Failure to comply with any of the foregoing provisions shall result in such disciplinary action as may be taken by the National Office after a hearing on reasonable notice, at which time he will be afforded a full opportunity, at his own cost and expense, to present and argue his defense. The maximum penalty which may be imposed by the National Office shall be removal from office. The National Office shall have no authority to suspend or expel a Port official from membership.

Sec. 5—Patrolmen: The duties of a Patrolman are as follows:

(a) He shall visit the crews of all vessels entering the Port to which he is assigned.

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(b) He shall collect all dues, fines, and monies due the Union.

(c) He shall deliver to the crew members of all ships entering the Port to which he is assigned copies of the latest issue of the PILOT, and any other official Union literature.

(d) He shall be responsible for the strict enforcement of the Union's no-discrimination policy as pronounced in this Constitution and in the various collective bargaining agreements between the Union and employers.

(e) He shall use his best efforts to adjust grievances to the satisfaction of any aggrieved member whenever and wherever possible.

(f) He shall see to it that collective bargaining agreements between the Union and various employers are properly and effectively enforced.

(g) He shall assist in all organizational drives conducted in his Port.

(h) He shall daily turn over to the officer in charge of his Port all monies collected by him on behalf of the Union.

(i) He shall submit a "Patrolman's Report" on such forms as may be prescribed by the National Office and transmit a copy thereof to the National Office.

(j) He shall act as a dispatcher whenever directed to do so and perform any other duties as may be assigned to him by the officer in charge of his Port, or by the National Office.

k) Upon request of two-thirds (2/3) of the

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members of the National Council or National Office, a Patrolman shall furnish to the Council or National Office, as the case may be, all correspondence, documents, records, and property of the Union in his possession.

(1) Failure to comply with any of the foregoing provisions shall result in such disciplinary action as may be taken by the National Office after a hearing on reasonable notice, at which time the Patrolman will be afforded a full opportunity, at his own cost and expense, to present and argue his defense. The maximum penalty which may be imposed by the National Office shall be removal from office. The National Office shall have no authority to suspend or expel such Patrolman from membership.

ARTICLE 14

COMPENSATION OF OFFICERS

Section 1—Salaries: (a) The National Council shall fix the salaries for all officers of the Union, subject to approval as provided by this Constitution.

(b) The officer in charge of a Port office, upon approval of the National Office, may pay salaries of per diem officers and employees.

Sec. 2 — Expenses: Officers and employees shall be reimbursed for all legitimate expenses incurred in the performance of their duties, subject to National Office direction and approval.

Sec. 3—Vacations: All officers having one (1)

ARTICLE 14 — COMPENSATION OF OFFICERS

or more years of continuous service shall receive sixty (60) days' vacation with pay at such time or times as may be determined by the National Office.

Sec. 4—Leaves of Absence: For good cause shown and subject to approval of the National Office, any officer may be entitled to a leave of absence with or without pay for such period as may be determined.

Sec. 5—Illness: An officer or employee, not covered by a Union contract, who is absent because of sickness or injury shall receive the difference between the amount receivable under the Union's Group Insurance Plan and his regular salary for a period not to exceed four (4) weeks in the aggregate in any one year of office or employment.

Sec. 6—Severance Pay: The National Council shall fix the severance pay of all officers and employees not covered by Union contract, subject to approval as provided by this Constitution.

Sec. 7—Pensions: All officers and such employees as the National Office may designate shall be eligible for benefits under the NMU Officers' Pension Plan, subject to such rules and regulations as the Trustees of that Plan may establish. The National Office shall have the authority to validate retroactively all pensions heretofore paid under the Plan.

Sec. 8—Welfare: All officers shall be eligible

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for benefits under the Officers' Welfare Plan. The National Council, subject to membership approval, is empowered to improve the benefits under said Plan.

Sec. 9—Strikes: No officer shall be paid his salary during the period of a general strike.

ARTICLE 15

**RIGHTS, POWERS, DUTIES, AND
OBLIGATIONS OF MEMBERS**

Section 1—Qualifications: (a) Subject to such reasonable rules and regulations as the National Office may establish, membership in the NMU shall be available to all applicants on a uniform and non-discriminatory basis and without regard to race, color, creed, sex, or political affiliations; provided that members, supporters, or sympathizers of the Communist, Fascist, Nazi, or any other subversive organization shall not be eligible.

(b) In determining reasonable rules and regulations for membership eligibility the National Office shall consider such sea-time aboard NMU contract vessels as will qualify the applicant for permanent and continuous employment on such vessels.

(c) No person convicted of a felony or misconduct offensive to the morals of the community shall be eligible for membership.

(d) No person who supports or advocates "right-to-work" laws or other legislation inimi-

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OBLIGATIONS OF MEMBERS

cal to the best interests of the American trade union movement shall be eligible for membership in the NMU.

(e) The National Office shall consider and pass upon any questionable application.

Sec. 2—Initiation Fee: The regular initiation fee for membership in the NATIONAL MARITIME UNION shall be One Hundred Fifty Dollars (\$150.00) payable upon filing of an application.

Sec. 3—Dues: (a) Dues shall be as follows (effective October 1, 1969).

1. For members holding Deep Sea Books the dues shall be Forty Dollars (\$40.00) per quarter payable January 1st, April 1st, July 1st and October 1st.

2. For members holding Lakes and Rivers Books the dues shall be Thirty-Five (\$35.00) per quarter payable January 1st, April 1st, July 1st and October 1st.

3. For members holding MSTs Books the dues shall be Thirty Dollars (\$30.00) per quarter payable January 1st, April 1st, July 1st and October 1st.

4. For members holding Coast and Geodetic Survey, Army Transportation, Corps of Engineers, Bureau of Mines and Fisheries Books, etc., the dues shall be Twenty-Five Dollars (\$25.00) per quarter payable January 1st, April 1st, July 1st and October 1st.

5. For members holding Industrial, Techni-

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cal and Professional Employees and Industrial, Technical, Professional and Governmental Employees Books the dues shall be Six Dollars (\$6.00) per month payable the first day of each month or Eighteen Dollars (\$18.00) per quarter payable January 1st, April 1st, July 1st and October 1st.

6. For members holding Panama Canal Books the dues shall be Four Dollars (\$4.00) per month payable the first of each month.

(b) Each member must be paid up for the current period.

(c) Each member must have, and produce on request of any officer or delegate, his dues receipt and membership book whenever he is in the Union hall, aboard a vessel, or on the job.

Sec. 4—Assessments: There shall be no assessments.

Sec. 5—Good Standing: (a) Except as provided in paragraph (a) and (c) of this section, a member shall be deemed in good standing when his dues as set forth in Section 3(a) of this Article are paid up for the current dues period.

(b) A member who is in good standing when the vessel upon which he is employed departs from the last port where an office of the Union is located shall continue to be in good standing *while* employed aboard the vessel until the vessel enters a port where the

**ARTICLE 15 — RIGHTS, POWERS, DUTIES AND
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Union maintains an office or is serviced by an Officer of the Union.

(c) A member who is in good standing when he registers for shipping shall continue to be in good standing for the period of that registration. In order to be eligible for an extension or to reregister, a member's dues must be paid for the current dues period.

Sec. 6—Suspension for Arrears in Dues: (a)

The member who is in arrears for more than six (6) months shall be automatically suspended from membership, provided, however, that he may be reinstated in accordance with the other paragraphs of this section.

(b) Where extenuating circumstances warrant such action, and subject to review by the National Office, the officer in charge of an NMU office may reinstate a member who has been suspended under this section on payment of all back dues. As used in this section, "extenuating circumstances" shall include hospitalization, personal hardship, or imprisonment because of involvement in a labor dispute previously approved by the National Council or National Office.

(c) Where no such extenuating circumstances exist, and subject to review by National Office, the officer in charge of an NMU office may reinstate a member who has been suspended under this section on payment of all back dues provided that the member is not in arrears for more than six (6) quarters and,

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provided further that (1) A member owing three (3) or four (4) quarters shall pay all quarters owed plus Thirty Dollars (\$30.00), and (2) A member owing five (5) or six (6) quarters shall pay all quarters owed plus Sixty Dollars (\$60.00), for reinstatement under this subsection (c).

Sec. 7—Membership Books and Dues Receipts: (a) The official membership books and dues receipts shall be in such form as may be determined by the National Council. Membership books shall at all times be the property of the Union.

(b) A member who loses his membership book or identification plate, except under circumstances of shipwreck or fire, shall be issued a new book or plate upon payment of a fee of Two Dollars (\$2.00) each.

Sec. 8—Duties of Membership: (a) It shall be the duty of each member to be true and loyal to the Union, and to endeavor to put into practice the principles laid down in the Preamble.

(b) It shall be the further duty of every member to uphold and advocate the objects of bona fide labor organizations and to buy only union-made goods where such are obtainable.

(c) It shall be the duty of every member to attend special and general meetings, and when at sea to attend all meetings called by the Ship's Committee.

ARTICLE II—RIGHTS, POWERS, DUTIES AND
PROVISIONS OF MEMBERS

(d) Ignorance of this Constitution, a copy of which is available to all members, shall not be admitted as an excuse for breach of any of its provisions.

(e) Upon accepting membership in the NATIONAL MARITIME UNION the member shall affix his signature to the following oath:

"I solemnly swear to be true and loyal to the Union and the labor cause, and to put into practice the principles laid down in the Preamble and the Constitution, and to obey all rules the Union may adopt."

Sec. 9—Retirement from Membership: (a) Any member in good standing intending to abandon the maritime industry, or working in another unit of the industry not covered by NMU collective bargaining agreements, or receiving a monthly pension under any of the pension plans provided by the NMU Pension and Welfare Plan or the NMU Officers' Pension Plan, may retire his book, provided that he pay retirement dues in the sum of Twenty Dollars (\$20.00) per year. The initial payment of retirement dues shall be due on the filing of the application for retirement. Retirement dues for subsequent years of retirement shall be due by January 1 of each subsequent year. A retired member shall upon written application be entitled to the return of his membership book provided he has paid his retirement dues, and is otherwise qualified under this Constitution.

**ARTICLE 10 — RIGHTS, POWERS, DUTIES AND
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(b) No member shall be retired during a strike.

(c) A member in good standing who enters the Armed Services shall be deemed a retired member under this section. Such member shall not be required to pay retirement dues provided he applies for reinstatement to active membership within ninety (90) days from date of separation from the Armed Services. In the event he does not apply for reinstatement within the ninety (90) day period he shall no longer be considered a retired member.

(d) Retired members receiving a monthly pension under the NMU Pension & Welfare Plan or the NMU Officers' Pension Plan shall be regarded as honorary members. Honorary membership status, and any benefits thereunder, shall terminate upon return to active employment in the industry.

(e) Except as provided in Section 9(d) of this Article, members holding retirement cards shall surrender all rights and privileges of active membership during the period of such status.

Sec. 10—Pensioner Members. Retired members receiving pension benefits pursuant to collective bargaining agreements negotiated between National Maritime Union and its contract companies or receiving benefits under the National Maritime Union Officers' Pension Plan, may retain their membership books in active status by paying pensioner dues equal to 25 percent of the dues payable by active

**ARTICLE 15 — RIGHTS, POWERS, DUTIES AND
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members in the division from which they have retired. Pensioner dues shall be payable at the same time as dues are payable for active members.

The National Office shall establish appropriate procedures for applying for pensioner membership. Pensioner members in good standing shall have the right to:

- (a) Vote in general elections of officers.
- (b) Vote on referendums and constitutional amendments except those involving economic matters or strike issues.
- (c) Attend and vote at membership meetings except that they may not vote on economic matters or strike issues.

**ARTICLE 16
BENEFITS OF MEMBERSHIP**

Members of the Union are entitled to the following benefits:

Section 1—Rotary Shipping: (a) All job referrals shall be on the basis of the rotary shipping system, subject to applicable NMU contracts.

(b) Rotary shipping rules shall be formulated by the National Council, subject to membership ratification and applicable laws.

Sec. 2—Voting: It is the right and obligation of every full member in good standing to vote at all membership meetings, referendums, and elections. Only those members who can prove

ARTICLE 17 BENEFITS OF MEMBERSHIP

they were at sea or confined to a public institution shall be excused.

Sec. 3 — NMU Scholarships: Children of NMU members may compete for the annual NMU scholarship, under such rules as the National Office may announce.

Sec. 4—Shipwreck Benefits: Any member in good standing who loses his personal effects as a result of a shipwreck shall, upon submitting proof of loss, be entitled to receive up to Two Hundred Dollars (\$200.00), provided he has not otherwise been compensated for such loss.

Sec. 5—Prison Benefits: Any member in good standing shall receive Fifteen Dollars (\$15.00) for every week or major portion thereof that he is in prison because of an offense arising out of legitimate Union activities. Payments of these benefits must first be approved by the National Council or National Office.

Sec. 6—Right to Hold Office Every member in good standing, provided he is qualified under this Constitution, shall be eligible for nomination for office in NMU.

**ARTICLE 17
FUNDS**

Section 1—General Fund: All monies of the Union shall be maintained in a General Fund.

Sec. 2—Bonding: All officers and employees of the Union charged with the responsibility

ARTICLE 17 — FUNDS

of handling Union funds shall be bonded in such amounts as may be required by law.

Sec. 3—Investments: Funds in excess of those required for administering the affairs of the Union may be invested in such manner as the National Office or National Council may deem to be in the best interests of the Union.

ARTICLE 18 STRIKES

Section 1 — General Strikes: (a) Except as hereinafter specifically provided, no General Strike shall be called without a two-thirds (2/3) vote of the National Council, ratified by a majority of the membership voting in a referendum.

(b) The General Strike resolution embracing the strike issues and reasons therefor, shall be formulated by the National Council.

(c) The General Strike referendum vote shall be conducted under the procedures set forth in this Constitution; except that the voting period shall not exceed thirty (30) days.

(d) A General Strike Committee, working under the direction of the officer in charge of each Port, shall be elected in all Ports for the purpose of making all necessary strike preparations.

(e) The National Council shall prepare and co-ordinate all rules and regulations for the strike in all ports.

(f) If a General Strike is called by the Na-

ARTICLE 18 — STRIKES

tional Federation or Association with which the NATIONAL MARITIME UNION OF AMERICA is affiliated, a strike call may be recommended in the form of a resolution by a two-thirds (2/3) vote of the National Council. This resolution must be endorsed by special meetings held for that purpose by the majority of the Ports, and the results of said meetings wired to the National Council.

(g) A General Strike shall be deemed terminated when a majority of the members voting at special meetings approve termination.

Sec. 2—Other Strikes: (a) Strikes involving one or more ships, one or more companies, or one or more shore-side facilities, may be called by a majority of the membership employed aboard the affected vessel, vessels, companies, or shoreside facility, subject to the prior approval of the National Office.

(b) A strike referred to in this section shall be deemed terminated when a majority of the striking members approve termination.

Sec. 3—Strike Finances: The National Office shall authorize all necessary expenditures which in its judgment are calculated to bring the strike to a successful conclusion.

ARTICLE 19

TRIALS OF OFFICERS

Section 1—Charges against an officer because of malfeasance or misfeasance in office or because of a violation of any provision of this

ARTICLE 19 — TRIALS OF OFFICERS

Constitution shall bear the signature of the member preferring them and be filed with the National Office.

Sec. 2—The charges shall specify the alleged acts of misconduct and the section or sections of this Constitution which the accused officer is claimed to have violated and the date, place, and manner in which the violation or violations occurred.

Sec. 3 — As soon as practicable after the charges have been received the National Office shall meet to consider them and determine by a majority vote whether they should be accepted or rejected.

Sec. 4—The National Office shall submit its decision to either accept or reject the charges to the next regular or special membership meeting at the New York Headquarters of the Union for approval or rejection.

Sec. 5—If a majority of the members voting at the Headquarters meeting rejects the charges they shall be deemed to be dismissed. If, on the other hand, a majority of the members voting at the Headquarters meeting accept the charges, the officer charged shall then and there be suspended without pay pending the outcome of his trial.

Sec. 6—As soon as practicable following acceptance of the charges by the membership, the National Office shall cause a copy of the charges to be served upon the accused officer in

ARTICLE 19 — TRIALS OF OFFICERS

person or by certified mail and shall appoint five (5) members of the National Council to serve as a Trial Committee. In the event the National Office cannot agree upon the selection of a Trial Committee it shall convene a special membership meeting at Headquarters and the members present at such meeting shall, by majority vote, elect a Trial Committee from among the members of the National Council.

Sec. 7—As soon as practicable after the Trial Committee has been designated the National Office shall fix the time and place of hearing and shall so notify the accused officer and the members of the Trial Committee. In no event shall the trial take place later than two (2) weeks from the date of designation of the Trial Committee unless an adjournment is ordered by the National Office for good cause. An application for adjournment will not be considered unless it is received by the National Office at least forty-eight (48) hours prior to the date of the scheduled hearing.

Sec. 8—The officer against whom the charges are made, the maker or makers of the charges, and all witnesses shall appear in person before the Trial Committee. The General Counsel of the Union may be present at the request of the National Office, but only for the purpose of advising the Trial Committee on procedural matters. Under no circumstances shall the General Counsel participate, directly or indirectly, in the questioning of witnesses or in

ARTICLE 19 — TRIALS OF OFFICERS

advising any of the persons present as to the questions to be asked. A verbatim transcript of the proceedings shall be kept only if requested by the accused; provided he pays for same and furnishes a copy to the Trial Committee.

Sec. 9—The accused officer shall have the right to examine and cross-examine all witnesses.

Sec. 10—The Trial Committee shall meet in continuous session until the case is completely heard.

Sec. 11—The Trial Committee shall submit written findings and recommendations to the next membership meeting at Headquarters.

Sec. 12—(a) If a majority of the members present and voting upon the recommendations of the Trial Committee at the membership meeting, at which the accused officer may be present and heard, find the accused officer not guilty he shall promptly be reinstated to office and be reimbursed the salary withheld from him during the period of his suspension.

(b) If the accused officer is found to be guilty by the said membership meeting its decision shall be final, subject to the right of appeal to the National Council; provided he does so within thirty (30) days from the date of the decision by the membership. The National Council may affirm, reverse, or modify the

ARTICLE 19 — TRIALS OF OFFICERS

decision and penalty from which the appeal had been taken.

(c) If the accused officer is dissatisfied with the decision of the National Council he may appeal that decision to the National Convention.

(d) The decision of the National Convention shall be final and binding. An appeal taken under this Article shall not operate to stay the action or decision appealed from unless the body to which the appeal is taken so orders.

(e) All appeals shall be in writing and filed with the National Secretary-Treasurer within the time limitations prescribed in this section. Appeals shall contain a brief statement of the facts and grounds for the appeal.

Sec. 13—It shall be the duty of every officer who feels aggrieved by any action, decision or penalty imposed upon him to exhaust his remedies and all appeals therefrom under the procedures outlined above before appealing to a civil court or government agency for redress, subject, however, to the four (4) months limitation in Title 1, Section 101(2) and (4) of the Labor-Management Reporting and Disclosure Act of 1959. Failure to comply with this duty shall be cause for suspension or expulsion insofar as the imposition of any such penalty is not inconsistent with any applicable law.

ARTICLE 20
TRIALS OF MEMBERS

Section 1—(a) Charges against a member for violation of any provision of this Constitution, rules, or policies of the Union, dual unionism, advocacy of "right-to-work" laws, or for any other act inimical to the best interests of the NATIONAL MARITIME UNION, shall be in writing and submitted to the officer in charge of the Port where the alleged offense occurred or where the vessel docks.

(b) Any member who shall be found to be a member of, sympathizer, or supporter of, any Nazi, Fascist, or Communist organization, may be expelled in accordance with the trial procedure of this Union.

(c) The Officer in charge of the Port shall promptly make available a copy of the charges to the chairman of the Trial Committee.

Sec. 2—The charges shall specify the specific acts of alleged misconduct and the particular provisions of the Constitution, rule, Union policy wherever possible; and the date, place, and manner in which the violation occurred.

Sec. 3—As soon as practicable after the charges have been submitted to the chairman of the Trial Committee, he shall cause a copy thereof to be served by certified mail or in person upon the accused members, together with notice of date and place of hearing. Notice of charges and date and place of hearing shall also be published in the PILOT.

Sec. 4 — As soon as practicable after the

ARTICLE 20 — TRIALS OF MEMBERS

charges have been received by the Agent in charge of the Port of filing, he shall call for an election of a five (5) man Trial Committee from among the unemployed members present in the hiring hall of the Port. In the event one or more of the members of the Trial Committee ship or are about to ship out prior to the hearing, a replacement or replacements shall be elected in the same manner. The committee shall elect its own chairman.

Sec. 5—Three (3) members of the Trial Committee shall constitute a quorum.

Sec. 6—A majority of the Trial Committee must agree on a decision.

Sec. 7—An officer in the Port shall sit in on all hearings and meetings conducted by the Trial Committee for the sole purpose of insuring that the trial procedure conforms to the provisions of this Constitution and that the rules of fair play are enforced in all respects. He shall, however, have neither voice nor vote in determining the guilt or innocence of the accused.

Sec. 8—The Trial Committee shall proceed with the trial of the charges at the time and place set in the notice to the accused. A postponement of the trial will be granted for good and sufficient reason, provided application therefor is made in writing and is received by the Trial Committee no later than twenty-four (24) hours in advance of the trial. In case

ARTICLE 20 — TRIALS OF MEMBERS

the accused member refuses to appear or neglects to appear at the time and place set for the hearing, the Trial Committee shall proceed with disposing of the charges as if the accused were present.

Sec. 9—The Trial Committee shall notify the accused of its decision within the period for which it stands elected. The decision of the Trial Committee shall be binding on the accused, subject to appeal as provided in this Constitution; provided, however, that the Trial Committee shall not have the right to impose the penalty of expulsion without the approval of the membership at the next membership meeting in the Port.

Sec. 10—Where penalties have been imposed against a member, that member shall be denied any privileges and rights to any of the benefits of the Union until such penalties have been discharged. All Port officials shall be responsible for the enforcement of penalties imposed against such member.

Sec. 11—If the offense takes place on board ship, the accuser shall present his charges to the Ship's Committee. Such charges shall be in writing and shall set forth in detail the act or acts of conduct complained of and shall be signed by the accuser. Signed statements from all witnesses relating to the acts complained of shall be obtained by the chairman of the Ship's Committee or by his designated representative. It shall be mandatory that the

ARTICLE 20 — TRIALS OF MEMBERS

charges and statements by all available witnesses shall be spread in the minutes of the meeting. If an entry has been made in the ship's log concerning the act or acts of conduct complained of, an extract of such entry shall also be spread in the minutes of the meeting. The accused may, at his discretion, file his answering statement, together with the statements of any of his witnesses. All statements shall be signed by the person making them. The charges, statements, and extract from the ship's log, if any, shall then be presented to the Agent or Patrolman for a Trial Committee at the pay-off Port where the Union maintains an office. No petition shall be circulated at any time for the purpose of bringing a member on charges aboard ship.

Sec. 12—If the Trial Committee finds that the accused was unjustly charged and that the accuser acted in bad faith in preferring charges, the Trial Committee shall immediately prefer charges against the accuser, who shall then stand trial in accordance with the procedures of this Article.

Sec. 13—The following procedure shall prevail at all hearings before the Trial Committee.

(a) The accused shall be asked whether he pleads guilty or not guilty to the charges. If he pleads guilty the Trial Committee shall then and there render its decision. If he pleads not guilty, the trial shall proceed.

ARTICLE 20 — TRIALS OF MEMBERS

(b) The accuser shall present evidence in support of the charges.

(c) The accused and the Trial Committee may cross-examine the accuser.

(d) The accused may then testify in his defense and present any evidence he may have.

(e) The accuser and the Trial Committee may cross-examine the accused. If the accused so wishes, he shall not be required to testify.

(f) A member of the Trial Committee shall keep notes on the proceedings. The accused may have a stenographer present at the trial at his own expense, provided he furnishes the Trial Committee with a copy of the Transcript.

(g) No one shall be present at the trial except the Trial Committee, the assisting officer, the accused, and the accuser. Individual witnesses for either side shall be present in the hearing room only when called by the Trial Committee.

(h) The following shall be disqualified from sitting on the Trial Committee: Relatives of the accused, of the accuser, and of members of the ship's crew where the charges were brought and witnessed.

ARTICLE 21 PENALTIES

Section 1—No member shall be expelled from the Union without first having been tried under the procedures of this Constitution.

ARTICLE 21 — PENALTIES

Sec. 2—The National Council is empowered to establish offenses and penalties and, where possible, to incorporate them in the collective bargaining agreements so that they may become effective to all employees covered by NMU collective bargaining agreements.

Sec. 3—(a) A member who, during the period of his membership, is found guilty by any court of law of the offense involving the possession, sale, or use of narcotics or of the crimes of robbery, murder, rape, arson, larceny, or any other felony (conviction of any affronts involving the trade union activities, excepted) shall be suspended on order of the National President or National Secretary-Treasurer.

(b) A member so suspended shall, promptly thereafter, stand trial on charges preferred against him by an officer of the Union in the Port office nearest, or reasonably nearest, to the home or whereabouts of the accused.

(c) If the conviction is proven at the trial, the Trial Committee shall impose the mandatory sentence of expulsion. Only the question as to whether or not the accused had in fact been convicted of any of the aforesaid offenses or crimes may be appealed under the provisions of this Constitution; provided that the National Office may, on its own initiative, or upon application by the accused member, reinstate such member if the court conviction resulted in a suspended sentence. The decision

ARTICLE 21 — PENALTIES

of the National Office in this regard shall be final.

Sec. 4—(a) Any officer who successfully defends an action or proceeding directly or indirectly brought against him by a member or members of the Union for alleged acts of misconduct claimed to have been committed during the course of or arising out of his official duties shall be reimbursed by the Union for all expenses, including counsel fees, which he may have incurred in connection with his defense.

(b) The member or members who were directly or indirectly responsible for bringing the action or proceeding shall reimburse the Union for all monies which the Union paid to the officer in the circumstances described in the preceding paragraph.

ARTICLE 22 APPEALS

Section 1—(a) All appeals must be in writing and filed with the National Secretary-Treasurer within the time limitations prescribed in this section. They shall contain a brief statement of the facts and the ground for the appeal.

(b) A member found guilty of charges may appeal to the National Office within thirty (30) days from the date of notification to him of the action taken against him. The National Office may affirm, reverse, or modify the decision and penalty from which the appeal has been taken.

ARTICLE 22 — APPEALS

(c) If the member is dissatisfied with the decision of the National Office, he may appeal that decision to the National Council; provided he does so within thirty (30) days from the date of the decision by the National Office. The National Council may affirm, reverse, or modify the decision and penalty from which the appeal has been taken.

(d) If the member is dissatisfied with the decision of the National Council, he may appeal that decision to the National Convention; provided he does so within thirty (30) days from the date of the decision by the National Council. The decision of the National Convention shall be final and binding.

(e) **Limitation of Time:** Unless an appeal is taken within the limitation of time provided in the preceding paragraphs, the member will be deemed to have waived all rights to any further appeal.

(f) **Stays:** An appeal taken under this Article shall not operate to stay the action or decision appealed from unless the body to which the appeal is taken so orders.

(g) **Exhaustion of Remedies:** It shall be the duty of every member who feels aggrieved by any action, decision or penalty imposed upon him to exhaust his remedy and all appeals therefrom under the procedures outlined above before appealing to a civil court or governmental agency for redress, subject, however, to the four (4) months limitation in Title 1, Section 101(a) (4) of the Labor-Management Re-

ARTICLE 22 — APPEALS

porting and Disclosure Act of 1959. Failure to comply with this duty shall be cause for expulsion insofar as the imposition of any such penalty is not inconsistent with any applicable law.

ARTICLE 23

ORGANIZATION ON BOARD SHIP

Section 1—(a) Wherever delegates have not been elected prior to departure, every ship carrying a registered crew of one hundred (100) or more shall, on the second day out of Port, or when practicable, call a meeting of all the unlicensed personnel and shall immediately elect a committee of six (6) departmental delegates, two (2) from each department. Sub-delegates may be elected with voice and no vote.

(b) Wherever delegates have not been elected prior to departure, all ships having crews of less than one hundred (100) shall elect a committee of three (3) departmental delegates, one from each department.

(c) Each National Maritime Union contract vessel shall have a ship's chairman elected by the members aboard the ship. The ship's chairman may also serve as a departmental delegate. The National Council shall formulate a program to provide appropriate recognition for members who serve as ship's chairmen or as departmental delegates.

(d) The ship's meeting shall elect a Political Action and Educational Director who shall be

ARTICLE 23 — ORGANIZATION ABOARD SHIP

a member of the Ship's Committee. They may also elect one or more members for the purpose of carrying out other functions on board ship, such as safety, health, or food. The member or members so elected shall be responsible to the ship's committee and the membership on board ship until another Committee has been elected, if remaining on board ship.

Sec. 2—(a) It shall be the duty of the ship's chairman to call a joint meeting on the outward-bound voyage and another on the home-bound voyage, or such other meetings as the crew may deem necessary; provided, however, that there is at least one meeting per month.

(b) All crew members, except those on watch or otherwise excused by the Ship's Committee, shall be required to attend all meetings called by the committee or ship's delegates.

(c) It should be the responsibility of the ship's chairman to arrange for educational and political action work aboard ship.

Sec. 3—The chairman shall see to it that minutes of the meetings are kept and that all tentative resolutions and questions raised at each meeting are contained in the written minutes, and shall forward the minutes to the National Secretary-Treasurer.

Sec. 4—The ship's chairman shall call any special meeting other than those provided herein to consider and decide any question affecting any member of any department. In the

ARTICLE 23 — ORGANIZATION ABOARD SHIP

event that a dispute arises on board any vessel, which dispute is not specifically provided for by the Agreement in effect between the operator or owner of the vessel and the Union, no action is to be taken by the ship's crew until it arrives in a Port where the Union maintains an office.

Sec. 5—The Ship's Committee, before arrival in a pay-off Port, shall compile a list of the book number and standing of each crew member with regard to dues. Such list shall be turned over to the shoreside Patrolman upon his arrival aboard ship. The Ship's Committee before sailing shall have posted on the bulletin board the dues standing of every member aboard.

Sec. 6—The Ship's Committee shall keep a written record of all grievances under the contract which are not settled before the vessel arrives in Port. This record shall be kept in duplicate on a special form to be issued by the National Office, one copy of which shall be kept in the ship's files and one copy to be turned over to the Patrolman upon arrival.

ARTICLE 24

MEETINGS

Section 1 — Regular membership meetings shall be held at Headquarters (Port of New York) and in all Port offices of the Union at least once each month.

Sec. 2—Special meetings shall be held at Headquarters upon presentation of a petition

ARTICLE 24 — MEETINGS

signed by one hundred (100) members in good standing, stating the purpose of the meeting, provided twenty-four (24) hours' notice is given to the membership and a majority of the petitioning members are present.

Sec. 3—Special membership meetings shall be called in all other Port offices upon presentation of a petition signed by twenty-five (25) members in good standing, stating the purpose of the meeting, provided twenty-four (24) hours' notice is given to the membership and a majority of the petitioning members are present.

Sec. 4—(a) A quorum of a joint meeting held in Headquarters shall be one hundred (100) members in good standing.

(b) A quorum of a joint meeting in all other Ports shall be twenty-five (25) members in good standing.

Sec. 5—Where a quorum cannot be obtained, the officer in charge of the Port shall record names and book numbers of the members present in the minutes of the meeting. He shall then proceed to conduct such routine business as is properly before the meeting. The minutes of the meeting shall be forwarded to the office of the National Secretary-Treasurer. Meetings held without a quorum present may not initiate any actions where membership approval is required.

Sec. 6—Departmental meetings may also be called at any Port office of the Union to discuss

ARTICLE 24 — MEETINGS

and take action on departmental problems which in no manner affect the problems of other departments.

Sec. 7—Membership meetings, outside of the regularly scheduled membership meetings in all Ports, including Headquarters, may be called by the official in charge of a Port, provided twenty-four (24) hours' notice is given to the membership.

Sec. 8—Educational meetings should be held at least once a month in all Ports between regular meetings.

ARTICLE 25

ORDER OF BUSINESS OF MEETINGS

Section 1—Shore: The officer in charge of a Port shall prepare an agenda and submit it to the membership meeting for correction, addition, or approval, and there shall be no continuation meetings.

Sec. 2—Ships:

1. Call to order by Ship's Chairman.
2. Election of Chairman of Meeting
3. Election of a Recording Secretary.
4. Reading of previous ship's meeting minutes.
5. Report of Ship's Committee on:
 - (a) Dues standing of members;
 - (b) Number of members in attendance at meeting;
 - (c) Ship's funds;
 - (d) General Union conditions on ship.

ARTICLE 25 — ORDER OF BUSINESS OF MEETINGS

6. Committee Reports
7. Reading of communications from National Office.
8. Unfinished Business.
9. New Business
10. Education.
11. Political Action.
12. Good and Welfare.
13. Adjournment.

Sec. 3—Rules of Order: All meetings shall be conducted pursuant to Robert's Rules of Order (Revised).

ARTICLE 26

AMENDMENTS AND REFERENDUMS

Section 1—Constitutional Amendments: This Constitution may be amended as follows:

(a) Any proposed amendment to this Constitution may be submitted by any member at any regular membership meeting in any Branch. If accepted by a majority vote of the membership meeting, the officer in charge of the Port must spread the resolution in full in the official minutes of the meeting, and the vote taken thereon. A copy of the official minutes shall be forwarded to the National Secretary-Treasurer.

(b) The National Secretary-Treasurer shall include the proposed amendment on his agenda for the next regular or special meeting of the National Council. The amendment, if approved by two-thirds (2/3) of the members of

ARTICLE 26 — AMENDMENTS AND REFERENDUMS

the National Council voting shall be submitted for adoption or rejection by a referendum vote together with such comment as the National Council may decide to make. If adopted, the amendment shall be considered incorporated as part of this Constitution.

Sec. 2 — This Constitution may also be amended by a majority vote of the delegates convened in any National Convention, provided, however, that in all matters involving election of officers or qualifications of officers, such amendments must be ratified by a referendum vote.

Sec. 3—Policy and Program. Any member in good standing may submit a resolution at any regular membership meeting in any Branch calling for a referendum vote on the question of changing an established policy or program of the Union, or instituting new policy or program.

If accepted by a majority vote of the membership meeting, the officer in charge of the Port must spread the resolution in full in the official minutes of the meeting, and the vote taken thereon. A copy of the official minutes shall be forwarded to the National Secretary-Treasurer. The National Secretary-Treasurer shall include the proposed resolution on the agenda for the next regular or special meeting of the National Office. The resolution, if approved by two-thirds (2/3) of the members of the National Council voting shall

ARTICLE 26 — AMENDMENTS AND REFERENDUMS

be submitted for adoption or rejection in accordance with the procedure provided by Article 4 of this Constitution, together with such comments as the National Office may decide to make.

ARTICLE 27

SAVING CLAUSE

The invalidity of any part of this Constitution, if it should be so determined by a court of competent jurisdiction, shall not affect the remainder thereof.

The End

RESOLUTION—DEFENSE OF COUNTRY

RESOLUTION NO. 1

(ADOPTED BY SEVENTH NATIONAL CONVENTION, 1949)

DEFENSE OF COUNTRY

WHEREAS: The leaders of the Communist Party throughout the world have made statements that in the event of an armed conflict between the Soviet Union and their native country they will "support" and "welcome" the Red Army; and

WHEREAS: Such statements are made by these lackeys of Soviet foreign policy in order to threaten their governments; and

WHEREAS: These statements are indicative of the type of propaganda which the Communist Party is carrying on with ever greater intensity in the world labor movement, now therefore be it

RESOLVED: That the Seventh Biennial Convention of the NATIONAL MARITIME UNION, representing the largest section of the American seamen, goes on record condemning such statements made by citizens against their own country; and be it further

RESOLVED: That the NATIONAL MARITIME UNION, a free, democratic Union composed of American seamen, pledges to carry out its job in the best tradition of American seamen; and be it finally

RESOLVED: That this Convention of American seamen reaffirms its faith in the United States and what it stands for and makes it clear that we will defend our country against any enemy, including the Soviet Union.

RESOLUTION—COMMUNISM
RESOLUTION NO. 2

(ADOPTED BY SEVENTH NATIONAL CONVENTION, 1949)

COMMUNISM

WHEREAS: Communism has shown itself to be as vicious and as totalitarian as Nazism, Fascism, and is masquerading as a political organization, while being in reality a conspiratorial group promoting dissension and disruption in our Union; and

WHEREAS: Communist stooges in our Union have used every dirty method to disrupt the unity of our organization, pitting race against race, distributing lying, anonymous literature against our Union, officials and members; and

WHEREAS: The philosophy of the Communist Party and its supporters has been made clear in our Union as being a scheme to use a minority group directed by outside forces to seize control of our Union by illegal means; and

WHEREAS: We, as free American trade unionists, are against all forms of domination by groups, political or otherwise, who seek to use our Union for their own purposes and not for the welfare of the seamen, and we are in effect assisting the Communists' conspiracy against our welfare and that of our country unless we effectively root out Communists' interference; therefore be it

RESOLVED: That we in Convention assem-

RESOLUTION — COMMUNISM

bled, representing 50,000 American seamen, condemn Communism for what it is, a vicious form of totalitarianism, carrying with it religious and political persecution of the worst kind, and we call upon our membership to express in no uncertain terms, that we, the NATIONAL MARITIME UNION, will not tolerate Communists nor their philosophy in our Union, and that we will take every step to root it out of our Union completely, along with any other subversive group such as the Ku Klux Klan; and be it finally

RESOLVED: That upon adoption by the membership, this policy is to be enforced in all sections of our Union and posted in all Branches.

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